



September 29, 2014

MEMORANDUM FOR: T. MICHAEL KERR
Assistant Secretary
for Administration and Management

Elliot P. Lewis

FROM: ELLIOT P. LEWIS
Assistant Inspector General
for Audit

SUBJECT: DOL Compliance with Federal Environmental
and Energy Performance Requirements,
Report No. 17-14-002-07-001

We performed a review of the Department of Labor's (DOL) compliance with federal environmental and energy performance requirements to assess whether DOL is meeting these requirements. This review was initiated by the Congressional Bicameral Task Force on Climate Change, which requested the following:

1. Identify existing requirements in legislation, regulation, executive order (EO), and other directives that apply to DOL;
2. Assess whether DOL is meeting these requirements, and make recommendations for improving its performance if not meeting requirements;
3. Assess DOL's authority to reduce emissions of heat-trapping pollution;
4. Assess DOL's authority to make the nation more resilient to the effects of climate change; and
5. Assess the most effective additional steps DOL could take to reduce emissions or strengthen resiliency.

DOL is responsible for reporting energy and sustainability performance for the Department of Labor, including Job Corps Centers (which comprise 2,400 buildings located throughout the country), the Frances Perkins Building in

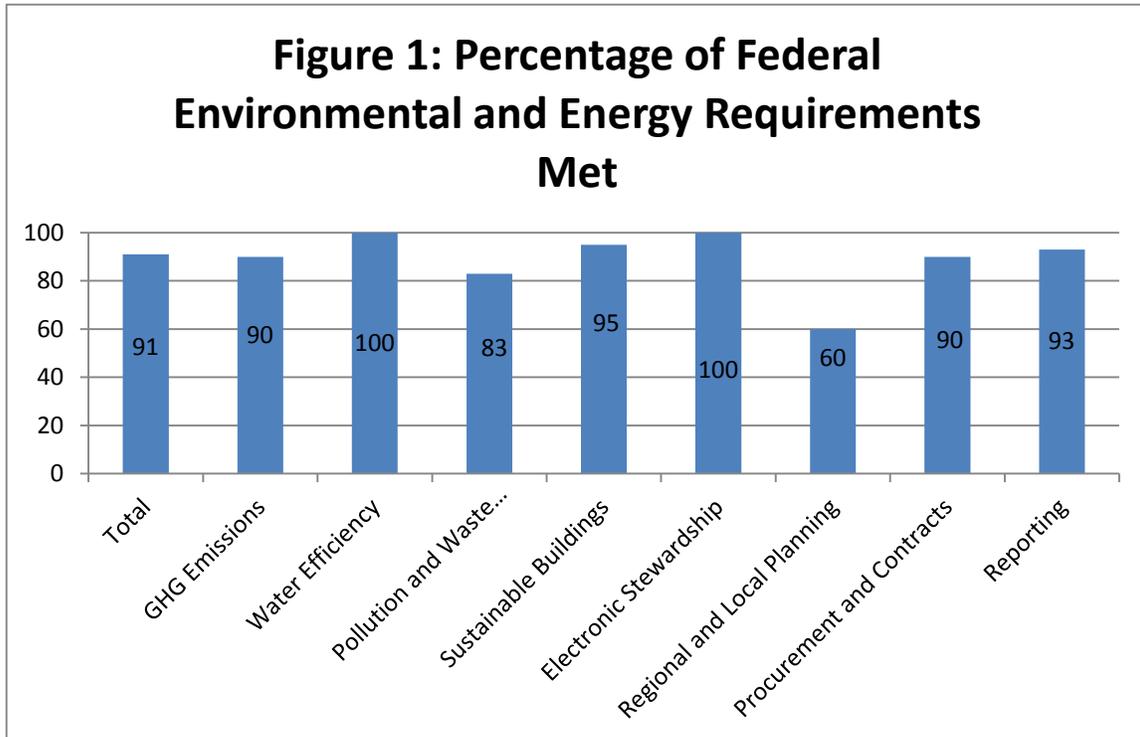
Washington, DC, and more than 4,000 leased vehicles. The Department's environmental policy is reviewed and reissued annually by the Secretary of Labor in the DOL Strategic Sustainability Performance Plan (SSPP). The Department updates the SSPP annually to show the top priority initiatives and actions selected for improving sustainability during the succeeding fiscal year.

Within the Office of the Assistant Secretary for Administration and Management (OASAM), the Deputy Assistant Secretary for Policy has been designated as the Senior Sustainability Officer (SSO). The SSO is accountable for agency conformance to environmental and energy requirements. OASAM's Business Operations Center – Office of Administrative Services is responsible for tracking and reporting the Department's compliance with energy and sustainability goals and reporting to the SSO. To ensure that sustainable practices are adopted, OASAM monitors and measures Departmental and agency performance and conformance against the goals set in the SSPP and initiates corrective action as appropriate.

We conducted our review between April 2013 and March 2014 under the Quality Standards for Inspection and Evaluation issued January 2012 by the Council of the Inspectors General on Integrity and Efficiency.

RESULTS

Based on the information provided by the Department, the Department indicates that it is meeting 91 percent of existing federal environmental and energy requirements. The Department indicates that it is meeting all the requirements related to water efficiency and electronic stewardship, and is meeting at least 80 percent of existing requirements related to greenhouse gas (GHG) emissions, pollution and waste reduction, sustainable buildings, procurement and contracts, and reporting. However, the Department can improve its compliance related to regional and local planning of which it is only meeting 60 percent of existing requirements (see Figure 1 - Percentage of Environmental and Energy Requirements Met).



(See Attachment 1, Summary of DOL Compliance with Key Federal Environmental and Energy Legislation, Regulations, and Guidance Directives Identified by DOL Officials)

The Department has made very little progress in meeting one of the two sustainable building metrics because more than 99 percent of its buildings are on 125 Job Corps campuses across the nation comprising aged, unsustainable building stock. We recommended that the Department determine if any unused maintenance funds could be used to improve the situation. Furthermore, we were not able to assess DOL's progress in meeting both metrics related to pollution and waste reduction because the Department stated that guidance has not yet been issued for these requirements which DOL must meet by the end of FY 2015. Our responses to the Congressional request follow:

1. Identify existing requirements in legislation, regulation, executive order, and other directives that apply to DOL.

DOL must comply with applicable goals and requirements found in criteria such as EOs, memoranda, laws, and regulations. At the time we began our review (April 2013), we identified 15 different laws, regulations, and orders that contained requirements for federal agencies related to environmental and energy performance. Some requirements include measurable goals or "metrics," and other requirements do not contain measurable goals. Based on information provided by OASAM, the Department is following five key directives to provide the primary metrics and requirements for it to manage climate change. These five key directives accounted for every metric, as well as 63 percent of the other requirements, in the 15 different laws, regulations, and orders we reviewed (See

Attachment 1, List of Federal Environmental and Energy Legislation, Regulations, and Guidance). Therefore, we focused our review to the following five key directives in order to respond to the Congressional request:

- National Energy Conservation Policy Act of 1978 (Fully Amended) (NECPA)¹ — Promotes the conservation and efficient use of energy and water, and the use of renewable energy sources, by the federal government.
- Energy Policy Act of 2005 (EPACT) — Enacted to ensure jobs for our future with secure, affordable, and reliable energy. It establishes energy efficiency requirements for federal programs.
- EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management (January 24, 2007) — Requires that agencies conduct environmental, transportation, and energy-related activities in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner.
- Energy Independence and Security Act of 2007 (EISA) — Enacted to move the Nation toward greater energy independence and security, and to improve the energy performance of the federal government.
- EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance (October 5, 2009) — Establishes an integrated strategy towards sustainability and prioritizes the reduction of GHG emissions in the federal government.

2. Assess whether DOL is meeting these requirements, and make recommendations for improving its performance if not meeting requirements.

To assess whether the Department was meeting federal environmental and energy performance requirements in the five key directives we selected for review, we interviewed the Department's SSO on DOL compliance, reviewed documentation provided in support of the Department's sustainability efforts, and assessed its reasonableness in meeting a particular metric or requirement; however, we did not validate the supporting documentation.

In addition, we used EO 13514 to organize our assessment of whether DOL is meeting the requirements of the five key directives. EO 13514 is the driver for agencies' annual SSPPs and is generally organized along the following areas:

¹ This includes subsequent amendments made through other legislation such as the Energy Independence and Security Act of 2007.

(A) GHG Emissions, (B) Water Efficiency, (C) Pollution and Waste Reduction, (D) Sustainable Buildings, (E) Electronic Stewardship, (F) Regional and Local Planning, (G) Procurement and Contracts, and (H) Reporting. A detailed discussion of our review for each of these eight sustainability areas follows:

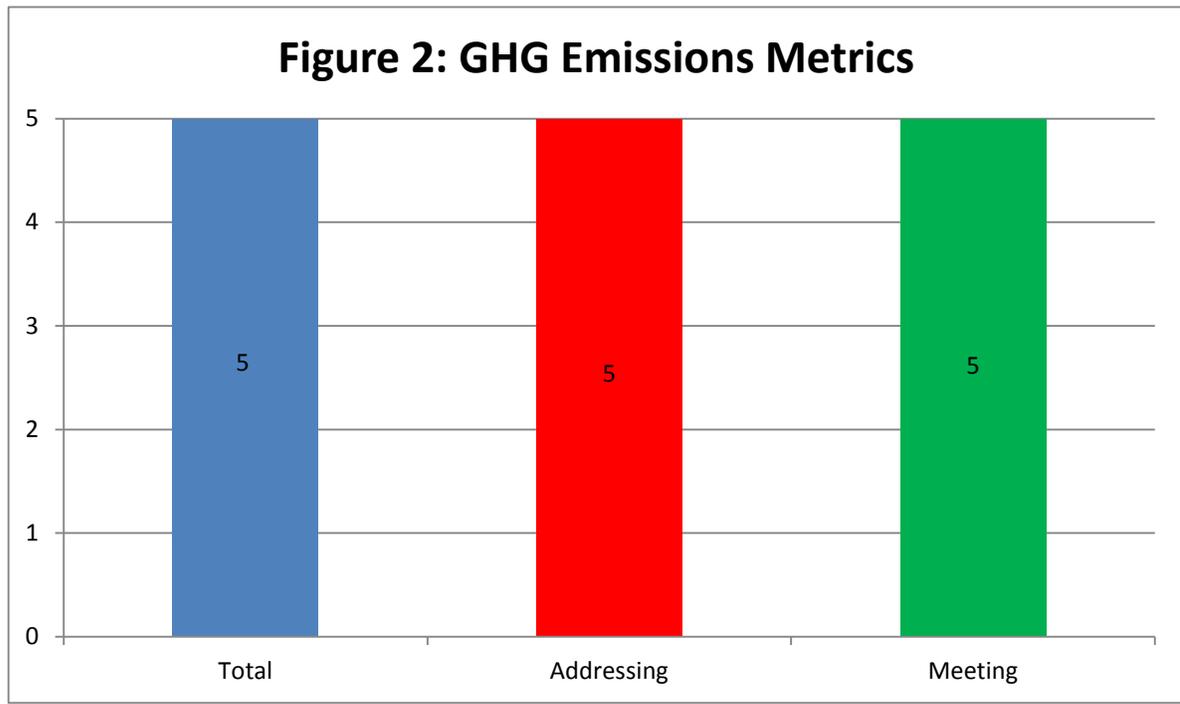
A. GHG Emissions

Federal sustainability efforts related to GHG emissions include reducing petroleum consumption; increasing alternative fuel usage; acquiring low-GHG, alternative fuel vehicles; and consuming renewable energy.

Based on documentation provided by OASAM, DOL is actively addressing all ten, and meeting nine (90 percent), of ten applicable requirements (five metrics and five other requirements).

GHG Emissions Metrics

Based on documentation provided by OASAM, DOL is actively addressing and meeting all five applicable metrics (see Figure 2 – GHG Emissions Metrics).



(See Attachment 3, Department Compliance with Environmental Laws and Regulations for GHG Emission)

Scope 1 and 2 GHG Emissions Reduction Target

In its 2013 SSPP, DOL reported that it reduced Scope 1 and 2 GHG emissions by 25.5 percent. EO 13514 requires agencies to establish and report a

percentage reduction target for agency-wide reductions of Scope 1 and 2 GHG emissions by FY 2020, relative to a FY 2008 baseline. Scope 1 GHG emissions are from sources owned or controlled by the federal government. Scope 2 GHG emissions result from the generation of electricity, heat, or steam purchased by a federal agency. DOL established a Scope 1 and 2 GHG emission reduction target of 27.7 percent which it is on track to achieve by 2020 (see Attachment 3 – Metric 4).

To address this goal, DOL is reducing facility energy intensity, installing and using renewable energy, reducing fleet petroleum use, increasing alternative fuel vehicle use, optimizing vehicle use, right-sizing its fleet, and increasing low emission and high fuel economy vehicle use.

In recognition of its efforts, the Department earned a “Green” score from the Office of Management and Budget (OMB) on its January 2013 Scorecard for “Scope 1&2 GHG Emissions Reduction Target.”

Scope 3 GHG Emissions Reduction Target

In its 2013 SSPP, DOL reported that it reduced Scope 3 GHG emissions by 31.9 percent. EO 13514 requires agencies to establish and report a percentage reduction target for agency-wide reductions of Scope 3 GHG emissions by FY 2020, relative to a FY 2008 baseline. Scope 3 GHG emissions are from sources not owned or controlled by a federal agency but relate to agency activities such as vendor supply chains, delivery services, and employee travel and commuting. DOL established a Scope 3 GHG emission reduction target of 23.4 percent which it has already surpassed (see Attachment 3 – Metric 5).

In recognition of its efforts, the Department earned a “Green” score from OMB on its January 2013 Scorecard for “Scope 3 GHG Emissions Reduction Target.”

Reduction in Fleet Petroleum Use

In its 2013 SSPP, DOL reported that it reduced fleet petroleum use by 15.4 percent. EO 13423 requires agencies to reduce total consumption of petroleum products by 2 percent annually through the end of FY 2015, relative to a 2005 baseline. Additionally, EISA requires agencies to achieve at least a 20 percent reduction in annual petroleum consumption by October 1, 2015. DOL exceeded the target goal of 14 percent for 2012, and is on track to reach a 20 percent reduction by 2015 (see Attachment 3 – Metrics 1 and 2).

DOL also reported that it increased its fleet alternative fuel consumption by 202.4 percent. EO 13423 requires agencies to increase total fuel consumption that is non-petroleum based by 10 percent annually, relative to a 2005 baseline. EISA requires a 10 percent increase in annual alternative fuel consumption by

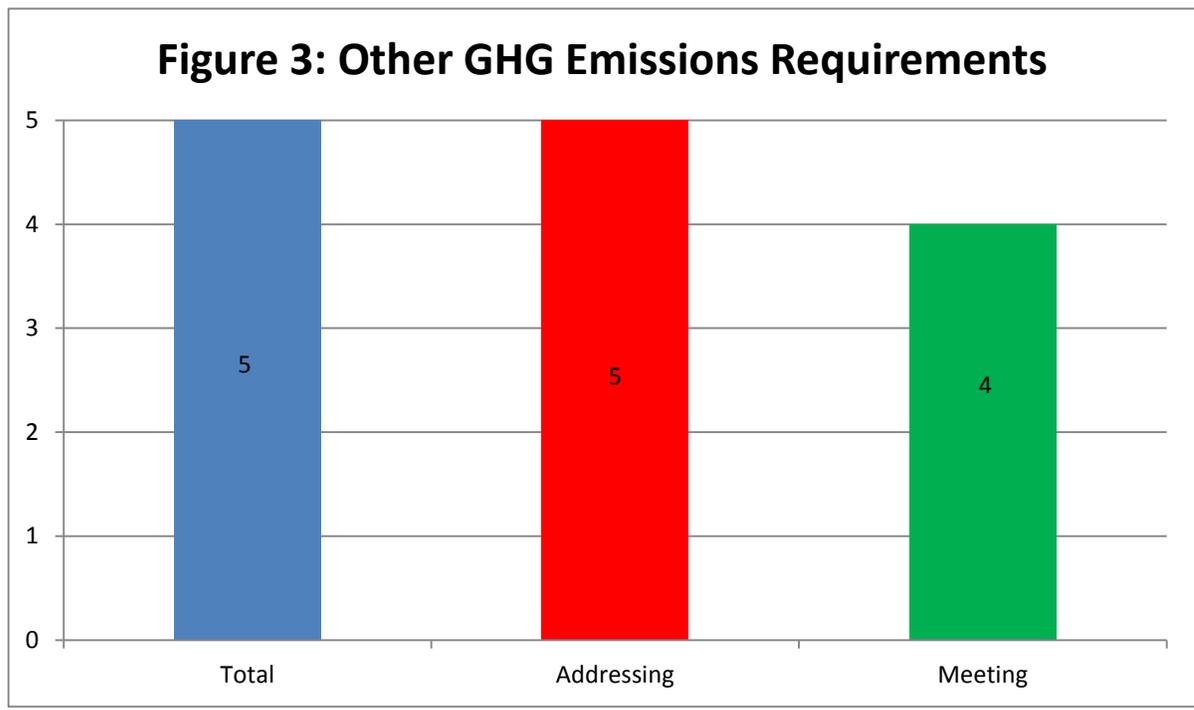
October 1, 2015. DOL has already exceeded the target goal of 159.4 percent² for 2015 (see Attachment 3 – Metrics 1 and 3).

To meet these goals, the Department has increased alternative fuel use to comprise 5.5 percent of total fuel use for its fleet of 4,282 vehicles. According to the Department’s 2013 SSPP, this has been challenging because there is a lack of local infrastructure for alternative fuel vehicles. DOL agencies analyze fleet optimization strategies and options carefully to ensure vehicle reduction, model downsizing, and conversions from conventional to alternative fuels do not compromise agencies’ missions.

In recognition of its efforts, the Department earned a “Green” score from OMB on its January 2013 Scorecard for “Reduction in Fleet Petroleum Use.”

Other GHG Emissions Requirements

We identified five other requirements related to GHG emissions in the five key directives included in our review. Based on documentation provided by OASAM, DOL is actively addressing all five requirements but is meeting only four (80 percent) of them (see Figure 3 – Other GHG Emissions Requirements).



(See Attachment 3, Department Compliance with Environmental Laws and Regulations for GHG Emission)

² 10 percent compounded annually for 10 years

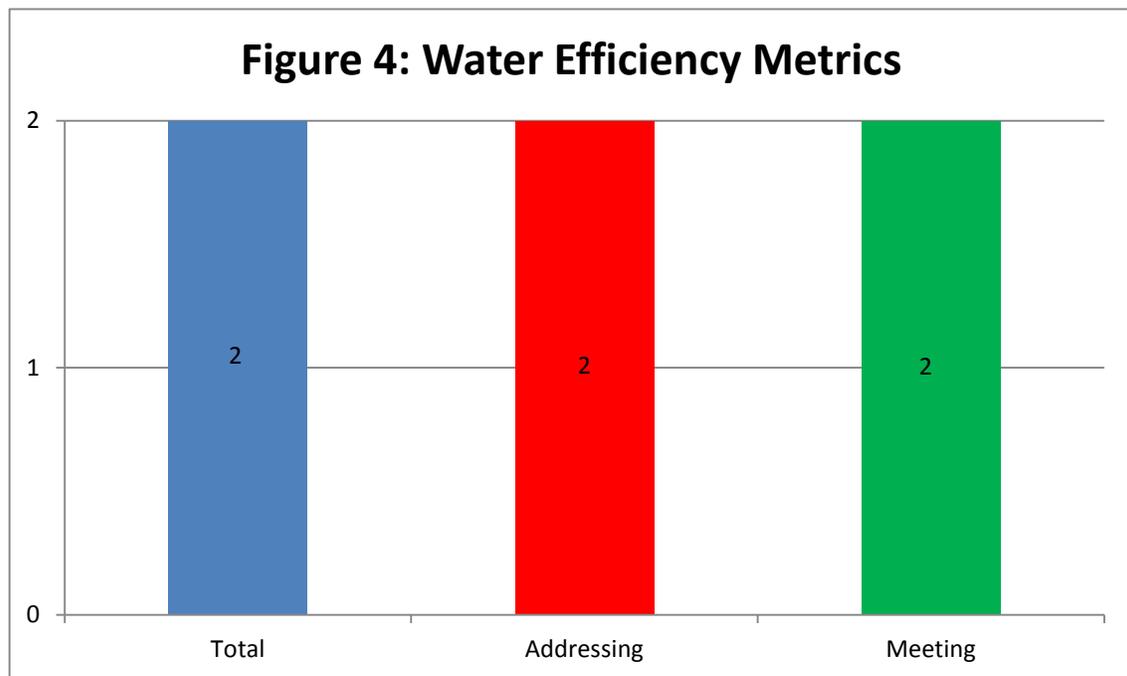
B. Water Efficiency

Federal sustainability efforts related to water efficiency include reducing water consumption and increasing water reuse strategies.

Based on documentation provided by OASAM, DOL is actively addressing and meeting all four applicable requirements (two metrics and two other requirements).

Water Efficiency Metrics

Based on documentation provided by OASAM, DOL is actively addressing and meeting all 2 applicable metrics (see Figure 4 – Water Efficiency Metrics).



(See Attachment 4, Department Compliance with Environmental Laws and Regulations for Water Efficiency)

Reduction in Potable Water Intensity

In its 2013 SSPP, DOL reported only a 6.6 percent reduction in potable water intensity for FY 2012. However, in FY 2013 DOL achieved a reduction of 21 percent, putting it back on track to meet requirements. EO 13514 requires that agencies reduce potable water consumption intensity 2 percent annually through FY 2020, or 26 percent by the end of FY 2020, relative to a FY 2007 baseline (see Attachment 4 – Metric 1).

To address this goal, DOL replaced steam heating tubes in hot water converters, and installed smaller, more efficient cooling towers in the Frances Perkins Building; replaced water supply piping at one Job Corps center; and installed low-flow showerheads at five Job Corps centers. Job Corps has also established a plan to further reduce potable water intensity at each Job Corps center. In addition, Job Corps uses a web-based utility tracking and monitoring system for all of its centers which has had a positive impact on Job Corps' conservation initiatives.

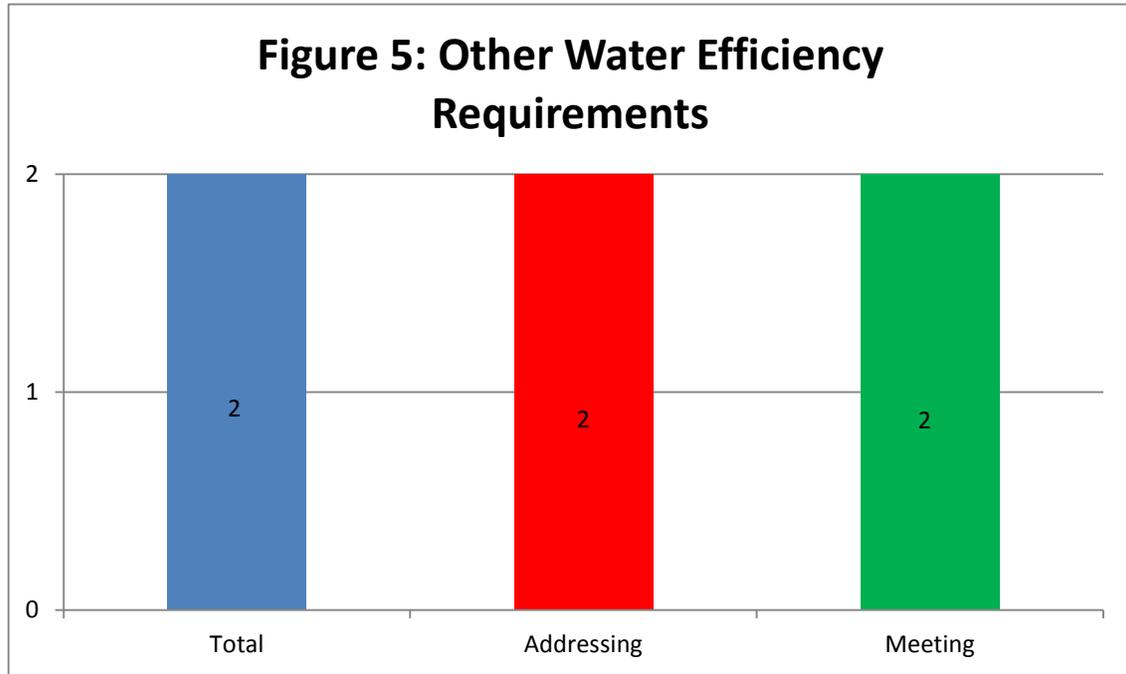
Although the Department earned a "Red" score from OMB on its January 2013 Scorecard for "Reduction in Potable Water Intensity," its efforts in FY 2013 have put the Department back on track to meet this EO 13514 requirement by the end of FY 2020.

Industrial, Landscaping and Agricultural Water Consumption

EO 13514 requires agencies to reduce agency industrial, landscaping, and agricultural water consumption by 2 percent annually, or 20 percent by the end of FY 2020, relative to a FY 2007 baseline. However, according to OASAM it is not cost-effective for the Department to add separate metering for DOL landscaping water and the small amounts of water used for industrial and agricultural purposes. Therefore, DOL's strategy has been to focus on overall water use reduction. For FY 2013, DOL reported a 21 percent overall reduction (see Attachment 4 – Metric 2).

Other Water Efficiency Requirements

We identified two other requirements related to water efficiency in the five key directives included in our review. Based on documentation provided by OASAM, DOL is actively addressing and meeting both requirements (see Figure 5 – Other Water Efficiency Requirements).



(See Attachment 4, Department Compliance with Environmental Laws and Regulations for Water Efficiency)

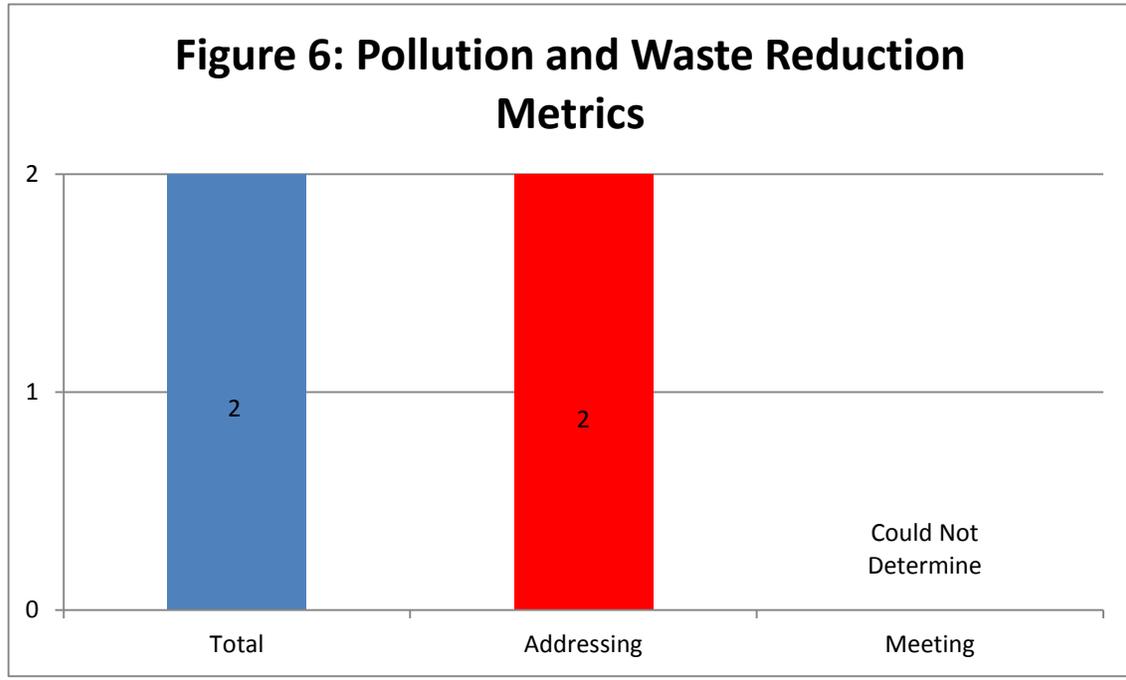
C. Pollution and Waste Reduction

Federal sustainability efforts related to pollution and waste include diverting hazardous solid waste; diverting construction and demolition materials and debris; maintaining waste prevention and recycling programs; and reducing use of toxic and hazardous chemicals.

Based on documentation provided by OASAM, DOL is actively addressing all 12, and meeting 10 (83 percent), of 12 applicable requirements (2 metrics and 10 other requirements). We could not determine if the two metrics were met.

Pollution & Waste Reduction Metrics

Based on documentation provided by OASAM, DOL is actively addressing two metrics; however, we could not determine if the two metrics were met (see Figure 6 – Pollution and Waste Reduction Metrics).



(See Attachment 5, Department Compliance with Environmental Laws and Regulations for Pollution and Waste Reduction)

Waste Diversion

EO 13514 requires that agencies divert at least 50 percent of non-hazardous solid waste and 50 percent of construction and demolition materials and debris by the end of FY 2015. The Department did not report any data on its progress in meeting these goals (see Attachment 5 – Metrics 1 and 2).

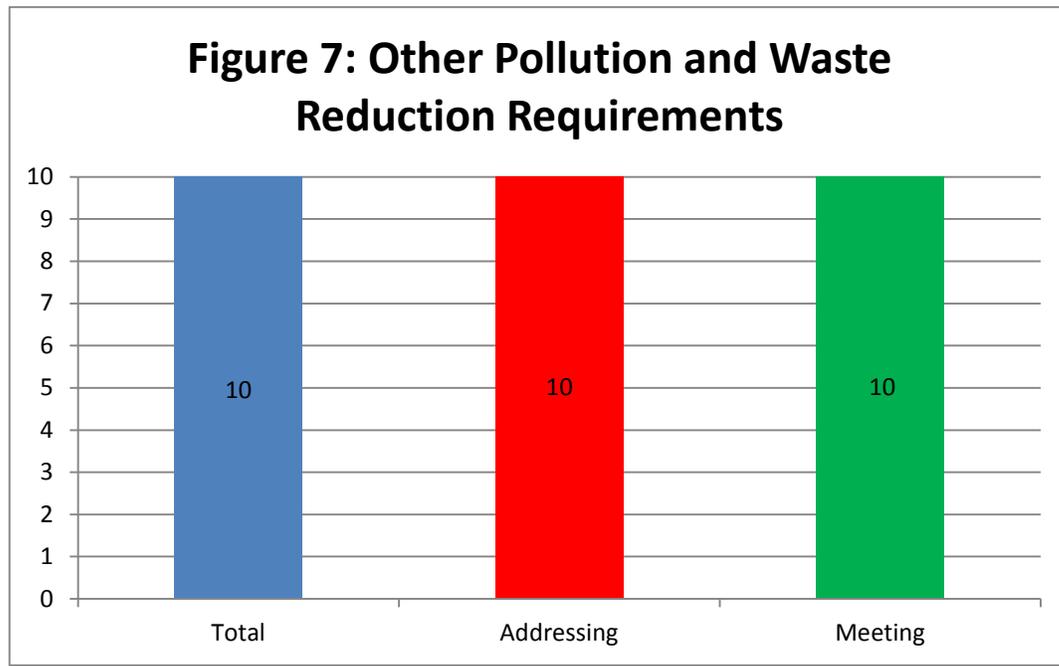
According to OASAM, the Council on Environmental Quality (CEQ) has yet to issue guidance for this requirement. Guidance also has not been issued on accounting for the diversion of construction and demolition materials and debris. DOL tracks waste diversion for monitoring purposes in preparation for meeting the FY 2015 waste diversion goal, and is also working to develop protocols for tracking construction and demolition waste diversion at Job Corps centers.

To address the EO 13514 goals, DOL reviews all requests for construction, alteration and repair at the Frances Perkins Building to ensure that the statements of work require sorting and recycling of construction and demolition materials.

Other Pollution and Waste Reduction Requirements

We identified ten other requirements related to pollution and waste reduction in the five key directives included in our review. Based on documentation provided by OASAM, DOL is actively addressing and meeting all of these ten

requirements (see Figure 7 – Other Pollution and Waste Reduction Requirements).



(See Attachment 5, Department Compliance with Environmental Laws and Regulations for Pollution and Waste Reduction)

Recommendation

We recommend the Assistant Secretary of Administration and Management:

1. Finalize protocols for tracking construction and demolition waste diversion at Job Corps centers.

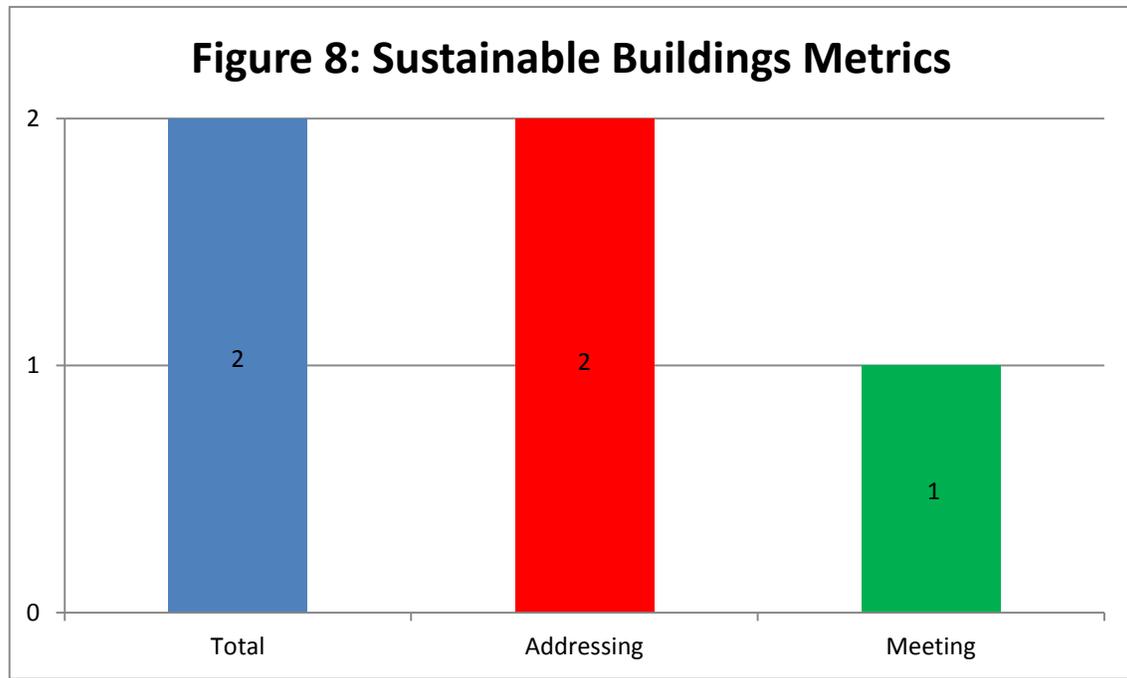
D. Sustainable Buildings

Federal sustainability efforts related to sustainable buildings include ensuring buildings meet the Guiding Principles; installing energy conservation measures; performing energy surveys; and metering buildings for electricity, natural gas and steam.

Based on documentation provided by OASAM, DOL is actively addressing 19 (100 percent), and meeting 18 (95 percent), of 19 applicable requirements (2 metrics and 17 other requirements).

Sustainable Buildings Metrics

Based on documentation provided by OASAM, DOL is actively addressing two applicable metrics and meeting one (see Figure 8 – Sustainable Buildings Metrics).



(See Attachment 6, Department Compliance with Environmental Laws and Regulations for Sustainable Buildings)

Green Buildings

In its 2013 SSPP, DOL reported that only 0.01 percent of its total building inventory met the “Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings” (Guiding Principles). EO 13514 requires that agencies ensure at least 15 percent of existing agency buildings (exceeding

5,000 gross square feet) and building leases (exceeding 5,000 square feet) meet the Guiding Principles by FY 2015, and that the agency makes annual progress towards 100 percent conformance with the Guiding Principles for its building inventory. The situation has worsened since the previous year when DOL reported that 1.4 percent of its building inventory met the Guiding Principles (see Attachment 6 – Metric 1).

DOL reported that it has significant challenges in meeting this goal because “more than 99 percent of the Department’s buildings are on 125 Job Corps campuses across the nation comprising aged, unsustainable building stock and its headquarters building was built in the unsustainable-friendly early 1970s.” To address this goal, the Department is requiring that all new Job Corps construction be designed to meet the Guiding Principles. Job Corps’ efforts toward the 15 percent goal include its designs for five new Job Corps projects and one existing Job Corps Center that are in compliance with the Guiding Principles, and upgrading Centers based on cost and effort, targeting individual buildings for listing with Energy Star³, and replacing heating, ventilation, and air conditioning systems. However, Job Corps has critical issues in meeting the EO 13514 goal by 2015 because of “overall funding issues and construction timing related to annual milestones prior to 2015.”

Although the Department cites “funding issues” with respect to Job Corps, in December 2012 we reported that Job Corps did not effectively manage maintenance funds, resulting in \$32.9 million in unused funds that had expired or were approaching expiration. This included \$9 million in funds that expired and could not be used to incur new obligations, and \$23.9 million for which Job Corps could not provide the information needed to determine the expiration date(s). This occurred because Job Corps did not place sufficient emphasis on tracking and monitoring the status of obligated funds to ensure they were spent as intended or appropriately reallocated to address other maintenance deficiencies.

The Department earned a “Red” score from OMB on its January 2013 Scorecard for “Green Buildings.”

Reduction in Energy Intensity

In its 2013 SSPP, DOL reported that it had achieved a 28.1 percent reduction in facility energy reduction. EO 13423 and NECPA require that agencies reduce energy intensity by 3 percent annually and 30 percent by the end of FY 2015, relative to a 2003 baseline. DOL exceeded the 21 percent target goal for 2012 (see Attachment 6 – Metric 2).

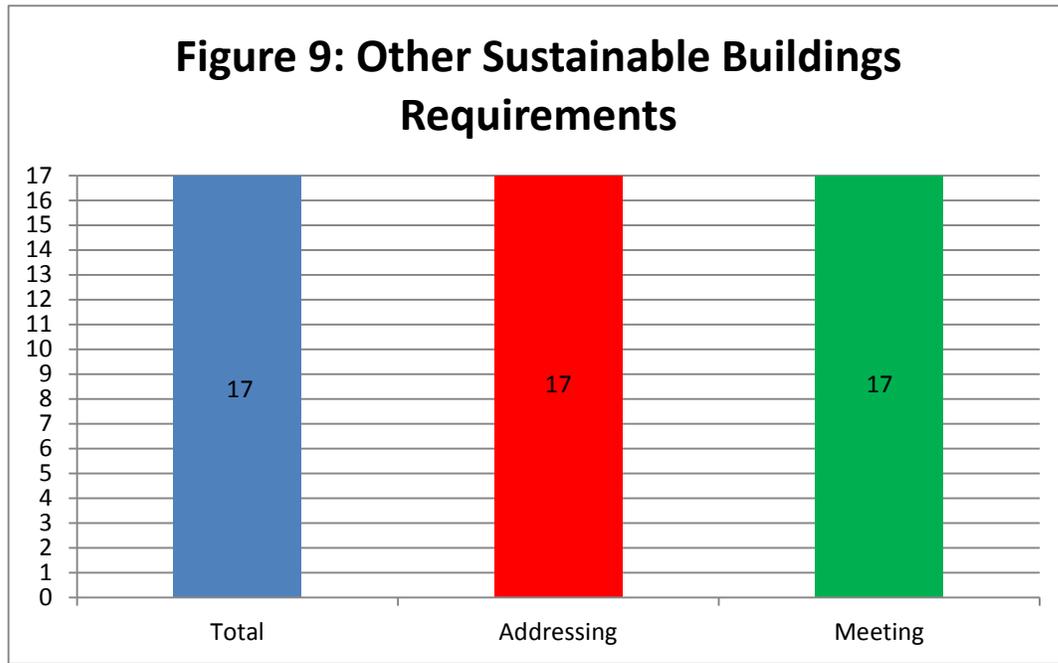
³ Energy Star is a voluntary program established at DOE and EPA to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of or other forms of communication about products and buildings that meet the highest energy efficiency standards.

DOL employs many methods to address and meet this goal. Job Corps' "Sustainability Intensives" initiative includes changing the behaviors of building occupants to be mindful of energy use. Job Corps also reviews and retro-commissions individual Job Corps buildings to achieve energy efficiency and reduce their GHG footprint.

The Department earned a "Green" score from OMB for "Reduction in Energy Intensity."

Other Sustainable Buildings Requirements

We identified 17 other requirements related to sustainable buildings in the five key directives included in our review. Based on documentation provided by OASAM, DOL is actively addressing and meeting all 17 requirements (see Figure 9 – Other Sustainable Buildings Requirements).



(See Attachment 6, Department Compliance with Environmental Laws and Regulations for Sustainable Buildings)

Recommendation

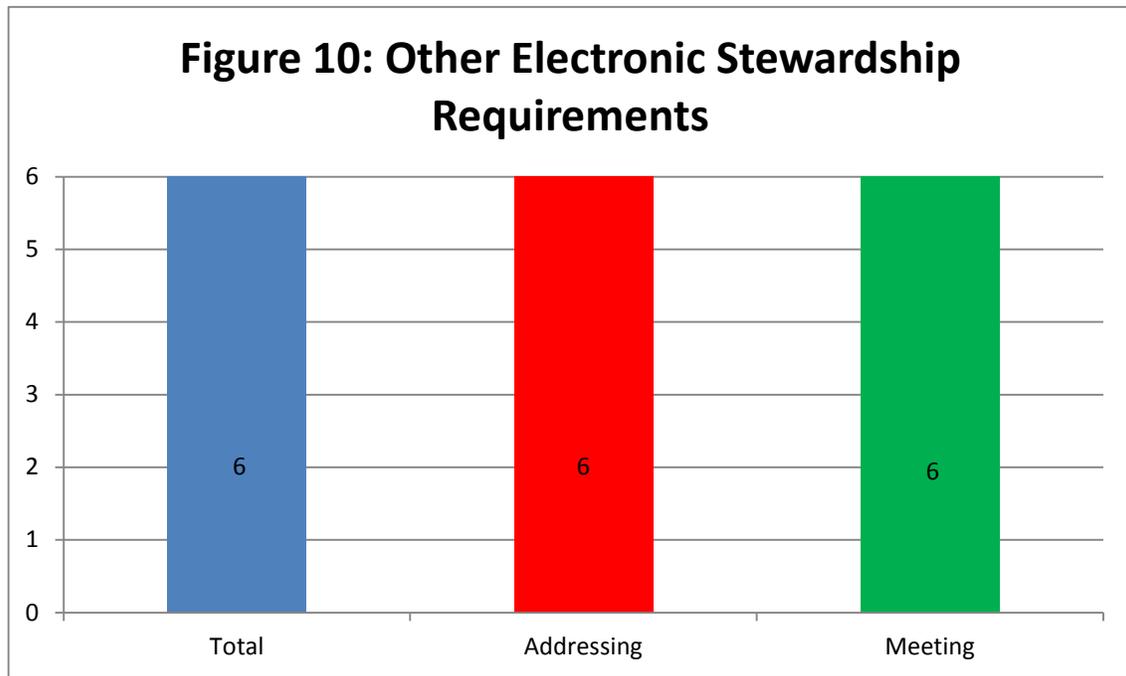
We recommend the Assistant Secretary of Administration and Management:

2. Work with Job Corps to determine if any unused maintenance funds can be used to help meet the EO 13514 goal of 15 percent sustainable building stock by 2015.

E. Electronic Stewardship

Federal sustainability efforts related to electronic stewardship include implementing policies to extend useful life of electronic equipment; using environmentally sound practices when disposing of electronic equipment; and enabling power management, duplex printing, and other environmentally preferable features on electronic products.

Based on documentation provided by OASAM, DOL is actively addressing and meeting all six applicable requirements (see Figure 10 – Other Electronic Stewardship Requirements).



(See Attachment 7, Department Compliance with Environmental Laws and Regulations for Electronic Stewardship)

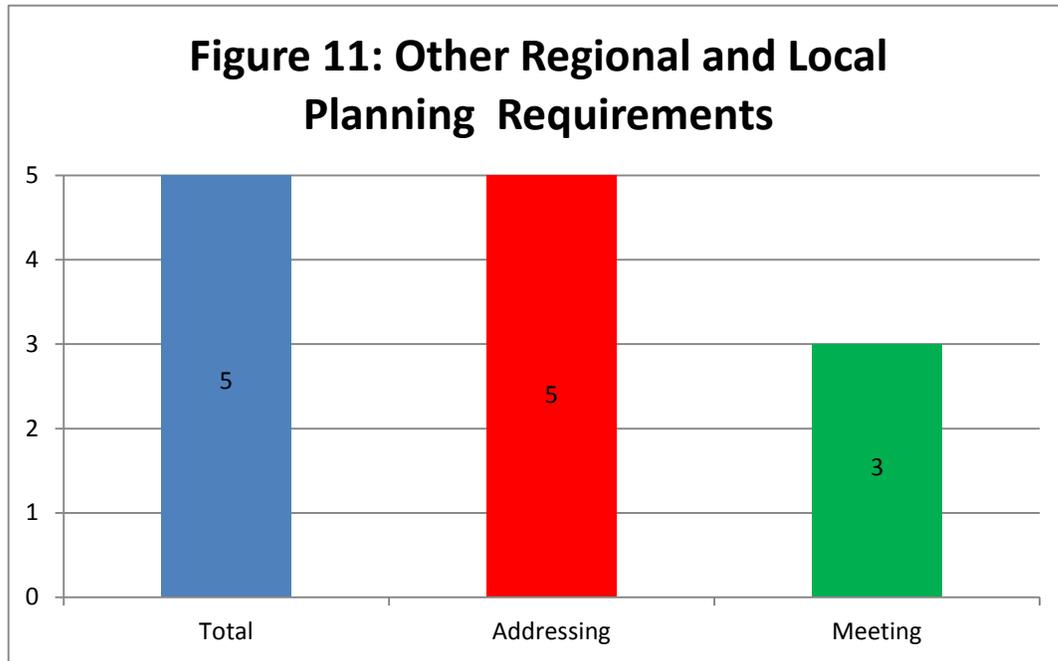
To address these requirements, DOL is in the process of consolidating its agencies' data centers. The Department is also making an effort to improve the life cycle environmental management of electronic assets, requiring the use of certified R2 or eSteward electronic recyclers.

In its 2013 SSPP, DOL reported 100 percent of its monitors and computers were power management enabled, and 100 percent of its electronics were disposed through the General Services Administration (GSA) or other certified recyclers.

F. Regional and Local Planning

Federal sustainability efforts related to regional and local planning include aligning policies to increase effectiveness of local planning for energy choices; identifying and analyzing impacts from energy usage and alternative energy sources in environmental impact statements and assessments for new or expanded federal facilities; and coordinating with regional programs for ecosystem watershed and environmental management.

Based on documentation provided by OASAM, DOL is actively addressing all five and meeting three (60 percent), of five applicable requirements; however, we could not determine if two requirements were met (see Figure 11 – Other Regional and Local Planning Requirements).



(See Attachment 8, Department Compliance with Environmental Laws and Regulations for Regional and Local Planning)

To address these requirements, DOL works closely with local and tribal authorities for new construction projects in their communities, and participates in local and regional environmental and sustainability efforts and initiatives as applicable.

In addition, Job Corps is updating its policies to incorporate participation in regional transportation planning; increase effectiveness of local energy planning; ensure all required Environmental Impact Statements and Environmental Assessments for new or expanded federal facilities identify and analyze impacts associated with energy usage and alternative energy sources; and ensure coordination and consultation with federal, state, tribal, and local management

authorities regarding impacts to local ecosystems, watersheds, and environmental management.

Although Job Corps is incorporating regional and local planning into its policies, such policies should be established and implemented at the Departmental level to meet federal requirements.

Recommendation

We recommend the Assistant Secretary of Administration and Management:

3. Establish and implement departmental policies and procedures for regional and local planning requirements.

G. Procurement and Contracts

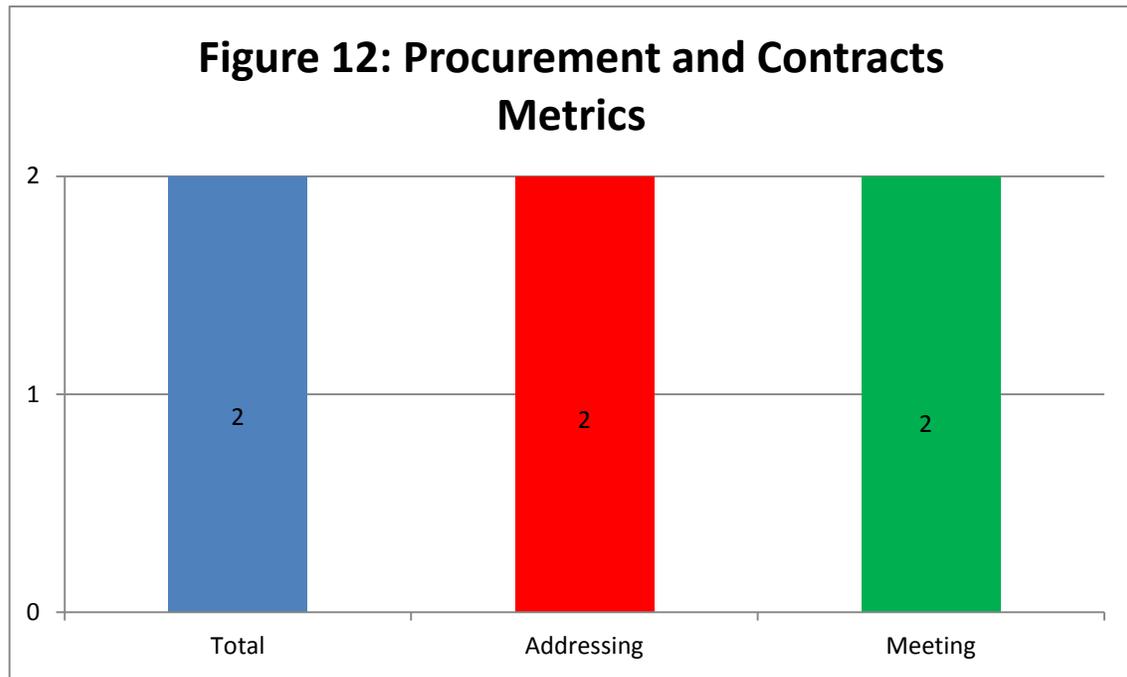
Federal sustainability efforts related to procurement and contracts include ensuring new contract actions for products and services are energy efficient, water efficient, bio-based, environmentally preferable, non-ozone depleting, contain recycled content, or are non-toxic or less toxic alternatives.

Based on documentation provided by OASAM, DOL is actively addressing and meeting nine (90 percent) of ten applicable requirements (two metrics and eight other requirements).⁴

Procurement & Contracts Metrics

Based on documentation provided by OASAM, DOL is actively addressing and meeting all two applicable metrics (see Figure 12 – Procurement and Contracts Metrics).

⁴ Based on the documentation provided by OASAM, we could not determine if one requirement was addressed or met.



(See Attachment 9, Department Compliance with Environmental Laws and Regulations for Procurement and Contracts)

Electronic Product Acquisition

In its 2013 SSPP, DOL reported 95 percent or more of the monitors, personal computers (PC), and laptops purchased in FY 2012 were EPEAT compliant. EO 13423 requires that agencies meet at least 95 percent of their requirements for electronic product acquisitions with EPEAT-registered electronic products (see Attachment 9 – Metric 1).

Sustainable Acquisition

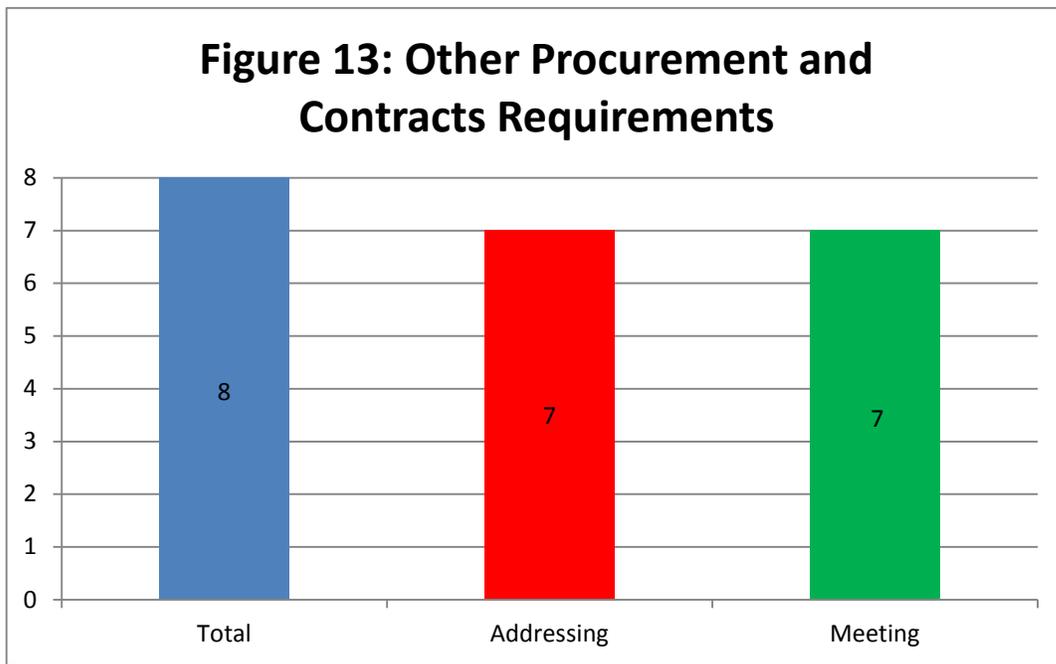
In its 2013 SSPP, DOL reported 100 percent of applicable contracts contained sustainable acquisition requirements. EO 13514 requires agencies to ensure that 95 percent of new contract actions are “energy efficient, water-efficient, bio-based, environmentally preferable, non-ozone depleting, contain recycled content, or are non-toxic or less toxic alternatives, where these products meet agency performance requirements” (see Attachment 9 – Metric 2).

To address this goal, DOL has issued guidance to its contracting officers on the requirements to acquire products and services complying with environmental and sustainability standards. In DOL’s procurement system, federally-mandated designated sustainable products are built in as the default in all relevant procurements and services. DOL also revised its purchase card handbook to include sustainable acquisition requirements.

In addition, DOL agencies perform quarterly reviews of at least five percent of applicable new contract actions to determine if sustainable acquisition requirements are included.

Other Procurement and Contracts Requirements

We identified eight other requirements related to procurement and contracts in the five key directives included in our review. Based on documentation provided by OASAM, DOL is actively addressing and meeting seven (88 percent) of these eight requirements (see Figure 13 – Other Procurement and Contracts Requirements).

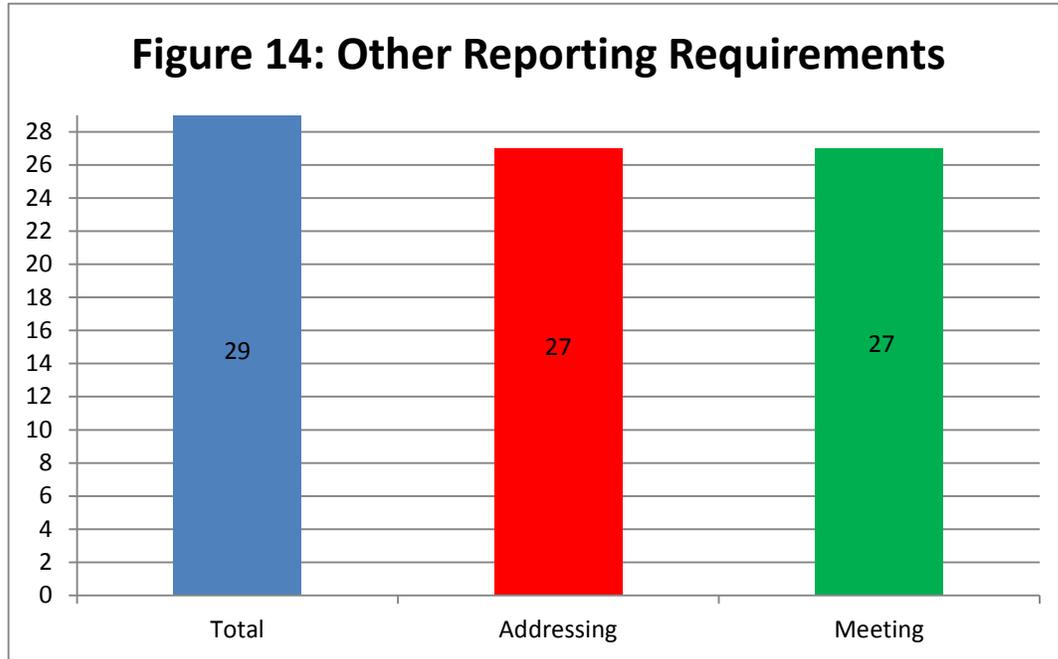


(See Attachment 9, Department Compliance with Environmental Laws and Regulations for Procurement and Contracts)

H. Reporting

Federal sustainability efforts related to reporting include implementing environmental management systems at all appropriate organizational levels; designating a senior management official to serve as SSO accountable for agency conformance; and developing, implementing, and annually updating an integrated SSPP to prioritize agency actions based on lifecycle return on investment.

Based on documentation provided by OASAM, DOL is actively addressing and meeting 27 (93 percent) of 29 applicable requirements (see Figure 14 – Other Reporting Requirements).⁵



(See Attachment 10, Department Compliance with Environmental Laws and Regulations for Reporting)

To address these requirements, DOL reports its progress via its SSPP which is updated annually. Monitoring and reporting on achievement of SSPP goals are provided semi-annually in the OMB Scorecard on Sustainability/Energy. DOL also submits its GHG inventory and an Energy Management Report (describing energy management activities and progress in implementing environmental and energy performance requirements) to DOE annually. Energy and water savings are reported via DOE’s web-based Compliance Tracking System (CTS).

2. Assess DOL’s authority to reduce emissions of heat-trapping pollution.

We analyzed laws, regulations, and orders that contained measurable goals and other requirements for federal agencies related to environmental and energy performance. We also interviewed Department sustainability officials and reviewed documentation provided in support of the Department’s sustainability efforts. Based on our review and discussions with Department officials, we did not identify any authority the Department has to reduce emissions of heat trapping pollution to make the nation more resilient to the effects of climate change beyond that which we cited in response to Question 1.

⁵ Based on the documentation provided by OASAM, we could not determine if one requirement was addressed or met.

3. Assess DOL's authority to make the nation more resilient to the effects of climate change.

The Department has established a working group consisting of emergency management representatives, human resource professionals, and policy staff who have been meeting regularly to identify areas of improvement in current departmental emergency response policies and procedures. These efforts have included initiatives such as incorporating best practices and lessons learned from previous extreme weather events (e.g. Hurricane Sandy). In addition, the Department drafted a Climate Change Adaption Plan which was included in its 2012 SSPP. DOL will evaluate its progress in meeting the plan's goals and will update the plan as required.

However, based on our review and discussions with Department officials, we did not identify any additional authority the Department has to make the nation more resilient to the effects of climate change.

4. Assess the most effective additional steps DOL could take to reduce emissions or strengthen resiliency.

As we noted in Question 3, the Department could take additional actions to meet existing requirements related to Pollution and Waste Reduction, Sustainable Buildings, and Regional and Local Planning. The Department reported in its 2013 SSPP that it has challenges in the sustainability arena with 99 percent of the Department's buildings on 125 Job Corps Center campuses nationwide consisting of "aged, unsustainable building stock" and a headquarters building built in the early 1970s.

CONCLUSION

Our review was limited to the procedures described above and our analysis relied on documentation provided by DOL. We did not validate the information contained within this documentation. Had we performed additional procedures, other matters may have come to our attention and would have been reported to you.

We met with OASAM staff to discuss the results of our review and the contents of this report. We considered the information and feedback obtained during those meetings in preparing the report. We request management's written response to this report and its recommendations within ten business days from the date of the report.

We extend our appreciation to OASAM officials and staff for their assistance and cooperation during our review.

OASAM RESPONSE

The Assistant Secretary of Administration and Management accepted the analysis and agreed with all of the recommendations in the report; however, Agency officials wanted to make three points of clarification.

Agency officials stated that they complied with the CEQ/OMB requirement to use their template and instructions to complete the SSPP and include descriptions of successes, challenges, lessons learned, and planned actions. We agree that DOL complied with the CEQ/OMB template; however, EO 13514 also required DOL to identify in its annual updates opportunities for improvement and evaluation of past performance in order to extend or expand projects that have net lifecycle benefits, and reassess or discontinue under-performing projects. In our review of the 2013 SSPP, we did not find any instances where DOL identified opportunities for improvements or evaluated its past performance in order to extend/expand projects with net lifecycle benefits, or reassess/discontinue under-performing projects.

Agency officials also noted that while OIG states that it could not assess DOL's compliance with "pollution and waste reduction" waste diversion metrics, these metrics are not in effect until the end of FY 2015. While we agree that these metrics are not in effect until the end of FY 2015, DOL did not provide any information on their progress to meet this approaching requirement. As such, we were unable to determine if the Department will be in a position to meet this requirement in FY 2015.

Finally, Agency officials noted that the report indicates that the requirements identified were from our review and discussions with Departmental officials and the OIG does not mention EO 13653, Preparing the United States for the Impacts of Climate Change, issued November 1, 2013. In answering questions No. 3 and No. 4 from the Congressional Bicameral Task Force on Climate Change, we based our answers on our review and discussions with Department officials on the five key directives identified by OASAM officials to provide the primary metrics and requirements for it to manage climate change. At that time, EO13653 was not one of the five key directives, as it had not yet been issued. As such, EO 13653 was not included in the scope of this review.

The Agency's entire response is contained in Attachment 11.

Attachments

1. List of Federal Environmental and Energy Legislation, Regulations, and Guidance
2. Summary of DOL Compliance with Key Federal Environmental and Energy Legislation, Regulations, and Guidance Directives Identified by DOL Officials

3. Department Compliance with Environmental Laws and Regulations for GHG Emissions
4. Department Compliance with Environmental Laws and Regulations for Water Efficiency
5. Department Compliance with Environmental Laws and Regulations for Pollution and Waste Reduction
6. Department Compliance with Environmental Laws and Regulations for Sustainable Buildings
7. Department Compliance with Environmental Laws and Regulations for Electronic Stewardship
8. Department Compliance with Environmental Laws and Regulations for Regional and Local Planning
9. Department Compliance with Environmental Laws and Regulations for Procurement and Contracts
10. Department Compliance with Environmental Laws and Regulations for Reporting
11. Agency Response to Draft Report

Attachment 1

List of Federal Environmental and Energy Legislation, Regulations, and Guidance			
Federal Environmental and Energy Legislation, Regulations, and Guidance	Metrics	Other Requirements	Key Directives Identified by DOL Officials
1. EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance	8	37	✓
2. Energy Independence and Security Act	2	6	✓
3. Presidential Memorandum-Implementation of Energy Savings Projects & Performance-based Contracting for Energy Savings	--	7	
4. EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management	3	14	✓
5. EO 13221, Energy Efficient Standby Power Devices	--	1	
6. EO 12088, Federal Compliance with Pollution Control Standards	--	7	
7. Energy Policy Act of 2005 (EPACT)	--	5	✓
8. National Energy Conservation Policy Act (NECPA)	1	23	✓
9. National Environmental Policy Act (NEPA)	--	8	
10. Federal Acquisition Regulation (FAR)	--	8	
11. Title 40, Code of Federal Regulations (CFR) Part 246, Solid Waste Disposal Act	--	4	
12. OMB M-12-21, Addendum to OMB Memorandum M-98-13 on Federal Use of Energy Savings Performance Contracts (ESPCs) and Utility Energy Service Contracts (UESCs)	--	2	
13. OMB M-98-13, Federal Use of Energy Savings Performance Contracting	--	1	
14. Presidential Memorandum-Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement	--	7	
15. Presidential Memorandum-Federal Fleet Performance	--	4	

List of Federal Environmental and Energy Legislation, Regulations, and Guidance			
Federal Environmental and Energy Legislation, Regulations, and Guidance	Metrics	Other Requirements	Key Directives Identified by DOL Officials
<i>TOTALS</i>	14	134	

Attachment 2

Summary of DOL Compliance with Key Federal Environmental and Energy Legislation, Regulations, and Guidance Directives Identified by DOL Officials								
Requirements	Addressing				Meeting			
	Yes	No	Could Not Determine	%	Yes	No	Could Not Determine	%
GHG Emissions 10 Requirements (Attachment 3)	10	0	0	100	9	1	0	90
Water Efficiency 4 Requirements (Attachment 4)	4	0	0	100	4	0	0	100
Pollution & Waste Reduction 12 Requirements (Attachment 5)	12	0	0	100	10	0	2	83
Sustainable Buildings 19 Requirements (Attachment 6)	19	0	0	100	18	1	0	95
Electronic Stewardship 6 Requirements (Attachment 7)	6	0	0	100	6	0	0	100
Regional & Local Planning 5 Requirements (Attachment 8)	5	0	0	100	3	0	2	60
Procurements & Contracts 10 Requirements (Attachment 9)	9	0	1	90	9	0	1	90
Reporting 29 Requirements (Attachment 10)	27	1	1	93	27	1	1	93
Total	92	1	2	97	86	3	6	91

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Attachment 3

Department Compliance with Environmental Laws and Regulations for GHG Emissions

Summary:

Five of five metrics addressed, five of five metrics met.

Five of five other requirements addressed, four of five other requirements met.

Department Compliance with Environmental Laws and Regulations for GHG Emissions					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EISA Sec 142	Metric 1	Amends the Energy Policy and Conservation Act - Beginning in FY 2010, each federal agency shall reduce petroleum consumption and increase alternative fuel consumption each year by an amount necessary to achieve at least a 20 percent reduction in annual petroleum consumption and a 10 percent increase in annual alternative fuel consumption by October 1, 2015, as calculated from the baseline established for FY 2005.	Y	Y	According to the 2013 SSPP and OMB Scorecard, DOL reduced petroleum use by 15.4% since 2005 and is on target for a 20% reduction by 2015. DOL also increased its alternative fuel consumption by 202.4%, having already exceeded its goal of 159.4% by 2015; however, it should be noted that its alternative fuel usage declined from the previous (from 226.8%) – according to OASAM, this is due to lack of ethanol infrastructure near DOL locations and the addition of more fuel efficient low greenhouse gas and electric hybrid vehicles into the DOL fleet.

Department Compliance with Environmental Laws and Regulations for GHG Emissions					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EISA Sec 246	Metric N/A	The head of each federal agency shall install at least one renewable fuel pump at each federal fleet fueling center in the United States under the jurisdiction of the agency by January 1, 2010.	N/A	N/A	EISA exempts Department of Defense fueling centers with a fuel turnover rate of less than 100,000 gallons from this requirement. DOE issued guidance extending that exemption to all federal agencies for a number of reasons, including cost-effectiveness. According to OASAM, it is "not aware" of any DOL fleet refueling centers under its jurisdiction with a fuel turnover rate of 100,000 gallons or greater.
EO 13423 Sec 2.g.i	Metric 2	Ensure that, if the agency operates a fleet of at least 20 motor vehicles, the agency, relative to agency baselines for FY 2005, reduces the fleet's total consumption of petroleum products by 2 percent annually through the end of fiscal year 2015.	Y	Y	As of 2012, DOL reduced fleet fuel consumption by 15.4%, just over the 14% required cumulative to date reduction.
EO 13423 Sec 2.g.ii	Metric 3	Ensure that, if the agency operates a fleet of at least 20 motor vehicles, the agency, relative to agency baselines for FY 2005, increases the total fuel consumption that is non-petroleum-based by 10 percent annually.	Y	Y	As of 2012, DOL had achieved a 202.4% progress towards the fleet alternative fuel consumption goal, thus already surpassing the 159.4% 2015 target for increasing alternative fuel use.
EO 13514 Sec 2(a)	Metric 4	Establish and report to the CEQ Chair and OMB Director (within 90 days) a percentage reduction target for agency-wide reductions of scope 1 and 2 GHG emissions in absolute terms by FY 2020, relative to a FY 2008 baseline.	Y	Y	The target for DOL was established at 27.7% compared to FY 2008. For 2012, DOL reported a 25.5% agency wide reduction in these GHG emissions relative to the FY 2008 baseline, just a few percentage points from the 2020 target.
EO 13514 Sec 2(b)	Metric 5	Establish and report to the CEQ Chair and OMB	Y	Y	The target for DOL was established at 23.4%

Department Compliance with Environmental Laws and Regulations for GHG Emissions					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
		Director (within 240 days) a percentage reduction target for reducing agency-wide scope 3 GHG emissions in absolute terms by FY 2020, relative to a FY 2008 baseline.			compared to FY2008. For 2012, DOL reported a 31.9% agency wide reduction in these GHG emissions relative to the FY 2008 baseline, already exceeding the target established for 2020.
EISA Sec 141	Other Req. 1	Amends the Energy Policy Act of 1992 - No federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low GHG emitting vehicle, except if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased, either that no low GHG emitting vehicle is available to meet the functional needs of the agency and details in writing the functional needs that could not be met with a low GHG emitting vehicle; or that the agency has taken more specific alternative cost-effective measures to reduce petroleum consumption.	Y	N	<p>According to information provided by OASAM, in FY 2011 DOL leased 707 new light duty vehicles, 501 of which were alternative fuel vehicles (AFV) (71%).⁶ When DOL leases vehicles that are not "low-GHG," it requires a justification with mission specific reasons documented. This form is signed by the DOL sub-agency administrative officer. The majority of non-low GHG vehicles requested and approved at DOL are for investigative, protective and surveillance activities, or large capacity passenger vehicles for transporting Job Corps students.</p> <p>However, separate certifications for each vehicle are not certified by the head of the agency (i.e., Secretary of Labor) as required.</p>

⁶ Eight non-AFVs leased by OIG are not included in these numbers because, to maintain independence, the Inspector General approves non-AFV's for the OIG.

Department Compliance with Environmental Laws and Regulations for GHG Emissions					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 2.b	Other Req. 2	Ensure that (i) at least half of the statutorily required renewable energy consumed by the agency in a fiscal year comes from new renewable sources, and (ii) to the extent feasible, the agency implements renewable energy generation projects on agency property for agency use.	Y	Y	<p>According to OASAM, 100% of DOL's renewable energy comes from "new renewable sources" placed into service after January 1, 1999.</p> <p>Additionally, the 2013 SSPP noted that Job Corps Centers produce renewable energy with wind turbines at Pine Ridge, Angell, Cassadaga, and Hawaii/Maui; solar photovoltaic production at Westover, Edison, and Woodland; and solar hot water at Miami. Loring and Albuquerque produce domestic hot water using biomass.</p>
EO 13423 Sec 2.g.iii	Other Req. 3	Ensure that, if the agency operates a fleet of at least 20 motor vehicles, the agency uses plugin hybrid (PIH) vehicles when PIH vehicles are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to non-PIH vehicles.	Y	Y	<p>The DOL Fleet Inventory indicated that DOL owns/leases 313 PIH vehicles.</p> <p>According to OASAM, DOL uses PIH vehicles when they meet agency mission needs. In FY 2014, the Department will be adding over 80 more electric hybrid vehicles to the DOL fleet.</p>
EO 13514 Sec 2(c)	Other Req. 4	Establish and report to the CEQ Chair and OMB Director a comprehensive inventory of absolute GHG emissions, including scope 1, scope 2, and specified scope 3 emissions (i) within 15 months of the date of this order for fiscal year 2010, and (ii) thereafter, annually at the end of January, for the preceding fiscal year.	Y	Y	<p>The 2013 SSPP showed the reporting of these inventories as required.</p>

Department Compliance with Environmental Laws and Regulations for GHG Emissions					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EPACT Sec 701	Other Req. 5	Amends Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act – Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels unless the Secretary of Energy determines that an agency qualifies for a waiver.	Y	Y	<p>The 2013 SSPP indicated that one of the Department’s goals with respect to Fleet Management is to “increase utilization of alternative fuel in dual-fueled vehicles” and they plan to address this goal by re-issuing “policy that agencies use alternative fuel as much as practicable.” The plan also stated that lack of local AFV infrastructure makes it challenging to meet the AFV fuel increase targets.</p> <p>Likewise, the 2012 SSPP indicated that DOL was “challenged to require that AFVs be fueled with E85 fuel because of limited infrastructure availability.”</p> <p>Despite the Department’s difficulty in locating E85 fuel, it has continued to add E85 vehicles to its fleet. However, DOL does apply for annual waivers from the Secretary of Energy. For FY 2014, DOL applied for 469 waivers; of which 426 were approved (note: agencies apply for waivers a year in advance).</p>

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Attachment 4

Department Compliance with Environmental Laws and Regulations for Water Efficiency

Summary:

Two of two metrics addressed, two of two metrics met.

Two of two other requirements addressed, two of two other requirements met.

Department Compliance with Environmental Laws and Regulations for Water Efficiency					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(d)(i)	Metric 1	Reduce potable water consumption intensity 2% annually through FY 2020, or 26% by the end of FY 2020, relative to a FY 2007 baseline, by implementing water management strategies including water-efficient and low-flow fixtures and efficient cooling towers.	Y	Y	As of 2012, DOL reduced potable water intensity by 6.6%, under the 10% target goal for 2012. DOL scored a failing Red score on the OMB January, 2013 Scorecard, as the department was not on track to achieve the 26% target for 2020. However, DOL's FY 2013 "DOE/Federal Energy Management Program (FEMP) GHG Inventory Performance Summary" shows that DOL is back on track with a 21% reduction in water in FY 2013 as compared with the FY 2007 baseline, already exceeding the 2015 target of 16%.
EO 13514 Sec 2(d)(ii)	Metric 2	Reduce agency industrial, landscaping, and agricultural water consumption 2% annually, or 20% by the end of FY 2020, relative to a FY 2010 baseline.	Y	Y	DOL landscaping water and the small amounts of water used for industrial and agricultural use is not separately metered because it is not considered at this time to be cost effective to add separate metering. Therefore, DOL's strategy has been to focus on overall water use reduction – which was reduced 21% in FY 2013.

Department Compliance with Environmental Laws and Regulations for Water Efficiency					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(d)(iii)	Other Req. 1	Identify, promote, and implement water reuse strategies consistent with state law that reduce potable water consumption.	Y	Y	The 2013 SSPP noted that Job Corps identified and promoted water reuse strategies consistent with state laws that reduce public water consumption. Additionally, outside the SSPP, DOL noted several accomplishments addressing water conservation in construction projects.
EO 13514 Sec 2(d)(iv)	Other Req. 2	Implement and achieve the objectives identified in the stormwater management guidance referenced in section 14.	Y	Y	<p>According to OASAM, all new Job Corps construction meets the New Construction Standard of the Guiding Principles, which requires agencies to employ design and construction strategies that reduce stormwater runoff and discharges of polluted water offsite and, to the maximum extent technically feasible, maintain or restore the predevelopment hydrology of the site using site planning, design, construction, and maintenance strategies. Job Corps also adheres to the EPA guidance issued to address this section of the Guiding Principles for all new construction.</p> <p>In addition, the 2013 SSPP noted that Job Corps is utilizing rain gardens to capture runoff from center roofs that allow stormwater to infiltrate into the ground.</p>

Attachment 5

Department Compliance with Environmental Laws and Regulations for Pollution and Waste Reduction

Summary:

Two of two metrics addressed. We were unable to determine if DOL met either of these metrics.

Ten of ten other requirements addressed. Ten of ten other requirements met.

Department Compliance with Environmental Laws and Regulations for Pollution and Waste Reduction					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(e)(ii)	Metric 1	Divert at least 50% of non-hazardous solid waste by the end of FY 2015.	Y	Could Not Determine	<p>The 2013 SSPP noted that DOL is working with GSA to use a single waste management company to remove solid waste, and reduce the solid waste sent to landfills. DOL has established recycling programs at DOL sites nationwide and is a national level participant in GSA's recycling program. Additionally, DOL tracks waste diversion to monitor that 50% of solid waste generated is diverted from landfills.</p> <p>However, according to OASAM, CEQ has yet to issue guidance for this requirement, but DOL is tracking waste diversion to prepare for FY 2015. We cannot determine if DOL is on target to meet this goal in FY 2015 based on the information provided by OASAM.</p>
EO 13514 Sec 2(e)(iii)	Metric 2	Divert at least 50% of construction and demolition materials and debris by the end of FY 2015.	Y	Could Not Determine	<p>Guidance has not yet been issued by OMB/CEQ on accounting for the diversion of construction and demolition materials and debris. Nevertheless, DOL is working to develop protocols for tracking construction and demolition waste diversion at Job Corps facilities. We cannot determine if DOL is on target to meet this goal in FY 2015 based on the information provided by OASAM.</p>

Department Compliance with Environmental Laws and Regulations for Pollution and Waste Reduction					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 2.e.ii	Other Req. 1	Ensure that the agency increases diversion of solid waste, as appropriate.	Y	Y	The 2013 SSPP noted how DOL is working with GSA to use a single waste management company to remove solid waste, and reduce the solid waste sent to landfills. DOL also established recycling programs at DOL sites nationwide and is a national level participant in GSA's recycling program. Additionally, DOL is tracking waste diversion to monitor that 50% of solid waste is diverted from landfills in FY 2015.
EO 13423 Sec 2.e.iii	Other Req. 2	Ensure that the agency maintains cost effective waste prevention and recycling programs in its facilities.	Y	Y	The 2013 SSPP noted how DOL is working with GSA to use a single waste management company to remove solid waste, and reduce the solid waste sent to landfills. DOL also established recycling programs at DOL sites nationwide and is a national level participant in GSA's recycling program. Additionally, DOL is tracking waste diversion to monitor that 50% of solid waste is diverted from landfills in FY 2015.
EO 13514 Sec 2(e)(i)	Other Req. 3	Minimize the generation of waste and pollutants through source reduction.	Y	Y	DOL minimizes the generation of waste and pollutants through its department-wide recycling programs, by using R2/eSteward recyclers of electronic equipment, and with other DOL programs such as the electronic equipment reuse program. Additionally, the SSPP provides numerous examples of source reduction being implemented at Job Corps campuses including composting of food waste, integrated pest management, and waste tracking and management.
EO 13514 Sec 2(e)(iv)	Other Req. 4	Reduce printing paper use and acquiring uncoated printing and writing paper containing at least 30% post-consumer fiber.	Y	Y	DOL requires the use of recycled content paper for all printing within the Department and purchasing recycled paper is a procurement requirement.

Department Compliance with Environmental Laws and Regulations for Pollution and Waste Reduction					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(e)(v)	Other Req. 5	Reduce and minimize the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of.	Y	Y	The 2013 SSPP showed several strategies the Department is utilizing to address this requirement. For example, to prevent pollution risks related to hazardous materials, Job Corps does not exceed Emergency Planning and Community Right to Know Act storage requirements for any chemical. DOL contracts for cleaning materials require the use of biobased products. Additionally, one of the goals of the Department's "Green Procurement Handbook" is to reduce or eliminate the acquisition and use of toxic or hazardous chemicals.
EO 13514 Sec 2(e)(vi)	Other Req. 6	Increase the diversion of compostable and organic material from the waste stream.	Y	Y	The 2013 SSPP stated that DOL will install composting systems to allow the recycling of biodegradable waste where practicable.
EO 13514 Sec 2(e)(vii)	Other Req. 7	Implement integrated pest management and other appropriate landscape management practices.	Y	Y	The 2013 SSPP showed concerted efforts underway at both the Frances Perkins Building and certain Job Corps locations. The Frances Perkins Building requires integrated pest management. Other appropriate landscape management practices are being systematically implemented through the Job Corps Center of Environmental Excellence Program.
EO 13514 Sec 2(e)(viii)	Other Req. 8	Increase agency use of acceptable alternative chemicals and processes in keeping with the agency's procurement policies.	Y	Y	According to OASAM, DOL has increased its use of acceptable chemical alternatives including the use of "green cap" fluorescents that are less hazardous and janitorial products that are biobased.
EO 13514 Sec 2(e)(ix)	Other Req. 9	Decrease agency use of chemicals where such decrease will assist the agency in achieving GHG reduction targets.	Y	Y	According to OASAM, it is substituting its use of these chemicals via the increase of acceptable chemical alternatives including "green cap" fluorescents and biobased products.
EO 13514 Sec 2(e)(x)	Other Req. 10	Report in accordance with the requirements of sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act of 1986.	Y	Y	The 2013 SSPP cited that Job Corps does not exceed storage requirements for any chemical consistent with those requirements. According to OASAM, no other DOL agencies exceed these storage requirements either.

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Attachment 6

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings

Summary:

2 of 2 metrics addressed, 1 of 2 metrics met.

17 of 17 other requirements addressed, 17 of 17 other requirements met.

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(g)(iii)	Metric 1	Ensure at least 15% of existing agency buildings (above 5,000 gross square feet) and building leases (above 5,000 gross square feet) meet the Guiding Principles by FY 2015 and that the agency makes annual progress towards 100% conformance with the Guiding Principles for its building inventory.	Y	N	<p>As of 2012, DOL showed only 0.01%, and hence no real progress in ensuring at least 15% of existing agency buildings (exceeding 5,000 gross square feet) and building leases (exceeding 5,000 gross square feet) meet the Guiding Principles by FY 2015. As of 2011, DOL showed 1.4% progress, hence the situation has worsened year over year.</p> <p>According to OASAM, DOL has a number of buildings currently being renovated to comply with the Guiding Principles and expects to show significant progress on meeting the 15% target by the end of FY 2015.</p> <p>Based on the Department's current progress, it may not be able to meet this requirement by 2015.</p>

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8253(a) (1)	Metric 2	Each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the federal buildings of the agency in FY 2006 through 2015 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in FY 2003, by the following percentages: 2006 - 2%; 2007 - 4%; 2008 - 9%; 2010 - 15%; 2011 - 18%; 2012 - 21%; 2013 - 24%; 2014 - 27%; 2015 - 30%	Y	Y	Per the 2013 SSPP, DOL reduced energy intensity by 28.1% - the target goal for 2012 was 21%.

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EISA Sec 435	Other Req. 1	Effective beginning on the date that is 3 years after the date of enactment of this Act, no federal agency shall enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year, unless: (a) no space is available in a building that meets the functional requirements of an agency, including locational needs; (b) the agency proposes to remain in a building that the agency has occupied previously; (c) the agency proposes to lease a building of historical, architectural, or cultural significance or space in such a building; or (d) the lease is for not more than 10,000 gross square feet of space. If one of these conditions is met, the lease contract must include provisions requiring that, prior to occupancy (or, if already occupying the space, not later than 1 year after signing the contract), the space will be renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.	Y	Y	According to OASAM, because DOL leases new space through GSA, GSA is responsible for this provision and these requirements are in all new GSA occupancy agreements. To ensure that the space it leases has earned the Energy Star label, DOL routinely works with GSA during the leasing process.

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EISA Sec 438	Other Req. 2	The sponsor of any development or redevelopment project involving a federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.	Y	Y	Per the FY 2013 SSPP, all new Job Corps construction meets the New Construction Standard of the Guiding Principles. The Guiding Principles require that agencies employ design and construction strategies that reduce storm water runoff and discharges of polluted water offsite and, to the maximum extent technically feasible, maintain or restore the predevelopment hydrology of the site with regard to temperature, rate, volume, and duration of flow using site planning, design, construction, and maintenance strategies. Additionally, Job Corps follows the EPA guidance issued to address this section of the Guiding Principles for all new construction.
EO 13514 Sec 2(g)(ii)	Other Req. 3	Ensure all new construction, major renovations, or repair and alteration of federal buildings comply with the Guiding Principles.	Y	Y	The 2013 SSPP cites that all new Job Corps construction will meet the Guiding Principles.
EO 13514 Sec 2(g)(iv)	Other Req. 4	Pursue cost-effective, innovative strategies (e.g., highly-reflective and vegetated roofs) to minimize consumption of energy, water, and materials.	Y	Y	According to OASAM, DOL identifies cost-effective or innovative strategies through the EISA Sec. 432 covered facility audit process. The department pursues those that have a positive return on investment and that can be implemented during building construction or renovation.

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(g)(v)	Other Req. 5	Manage existing building systems to reduce the consumption of energy, water, and materials, and identifying alternatives to renovation that reduce existing asset deferred maintenance costs.	Y	Y	According to OASAM, DOL conducts periodic preventative maintenance on building systems to reduce the consumption of energy, water, and materials, and identify alternatives to renovation that reduce existing asset deferred maintenance costs at the Frances Perkins Building and Mine Safety and Health Administration facilities. Job Corps' Facility Maintenance for Job Corps Centers outlines the requirements for preventative maintenance which align with the Guiding Principles and include energy and water conservation so as to extend the lifecycle of equipment and reduce the need for renovation and reduce maintenance costs.
EO 13514 Sec 2(g)(vi)	Other Req. 6	When adding assets to agency building inventories, identify opportunities to consolidate and dispose of existing assets, optimize the performance of the agency's real-property portfolio, and reduce associated environmental impacts.	Y	Y	.According to OASAM, there are substantial activities occurring across DOL as part of the President's "Freeze the Footprint" initiative. In addition, the 2012 SSPP noted several disposals of assets in building projects with replacement items that were more environmentally sustainable.
EO 13514 Sec 2(g)(vii)	Other Req. 7	Ensure rehabilitation of Federally-owned historic buildings utilizes best practices and technologies in retrofitting to promote long-term viability of the buildings.	Y	Y	The Department adheres to all Advisory Council for Historic Preservation (Section 106 of the National Historic Preservation Act) and NEPA requirements and submits all required reports.

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8253(b) (1)	Other Req. 8	Not later than January 1, 2005, to the maximum extent practicable, install in federal buildings owned by the United States all energy and water conservation measures with payback periods of less than 10 years, as determined by using life cycle cost methods established by the Secretary of Energy.	Y	Y	The DOL SSPP is developed, implemented and annually updated so as to prioritize agency actions based on lifecycle return on investment. For example, energy efficiency measures identified in the EISA Sec. 432 audits are set as a strategic priority in the SSSPP and cost savings are reported in the DOE/FEMP GHG inventory and in the CTS database. The DOE/FEMP GHG inventory calculated for FY 2013 that DOL's \$1.6M investment in energy management is expected to have a simple return on investment of 8 years.
NECPA Sec 8253(d) (2)	Other Req. 9	Perform energy surveys of its Federal buildings to the extent necessary and update such surveys as needed, incorporating any relevant information obtained from the survey conducted pursuant to section 8258b of this title.	Y	Y	The frequency of DOL energy surveying is determined pursuant to EISA 2007. The CTS database shows that DOL met its FY 2012 compliance target by auditing 100% of its covered facilities that in the aggregate represent 75.4% of DOL's total energy use.
NECPA Sec 8253(d) (3)	Other Req. 10	Using such surveys, determine the cost and payback period of energy and water conservation measures likely to achieve the requirements of this section.	Y	Y	DOL determines the cost and simple payback of implementing energy conservation measures after conducting audits and estimating the energy and conservation cost savings. This information is reported into CTS.
NECPA Sec 8253(d) (4)	Other Req. 11	Install energy and water conservation measures that will achieve the requirements of this section through the methods and procedures established pursuant to section 8254 of this title.	Y	Y	DOL-implemented energy and water conservation measures are reported annually into CTS.

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8253(d) (5)	Other Req. 12	Ensure that the operation and maintenance procedures applied under this section are continued.	Y	Y	According to OASAM, DOL operations and maintenance including periodic preventative maintenance on building systems is designed to reduce the consumption of energy and water consumption. Job Corps' Facility Maintenance for Job Corps Centers outlines the requirements for preventative maintenance which align with the Guiding Principles and include energy and water conservation so as to extend the lifecycle of equipment and reduce the need for renovation and reduce maintenance costs.
NECPA Sec 8253(e) (1)	Other Req. 13	By October 1, 2012, in accordance with guidelines established by the Secretary of Energy, all federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered. Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the federal buildings of the agency.	Y	Y	According to OASAM, DOL follows DOE's "Guidance for Electric Metering in Federal Buildings" to meet this requirement. These guidelines state that agencies are "required to install standard or advanced meters at all federal buildings to the maximum extent practicable, by October 1, 2012." DOL developed a metering plan to install meters where it would be cost-effective to do so. OASAM reported that the Department has installed 1,097 meters, including 186 advanced meters, but is unsure exactly how many of its 2,401 total buildings are metered.
NECPA Sec 8253(e) (1)	Other Req. 14	Not later than October 1, 2016, each agency shall provide for equivalent metering of natural gas and steam, in accordance with guidelines established by the Secretary of Energy. Such data shall be incorporated into existing federal energy tracking systems and made available to federal facility managers.	Y	Y	According to OASAM, DOL buildings are metered for natural gas and steam but campus type facilities such as the Job Corps facilities are not sub-metered if not cost-effective.

Department Compliance with Environmental Laws and Regulations for Sustainable Buildings					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8253(f) (1)	Other Req. 15	Each federal agency shall ensure that any large capital energy investment in an existing building that is not a major renovation but involves replacement of installed equipment (such as heating and cooling systems), or involves renovation, rehabilitation, expansion, or remodeling of existing space, employs the most energy efficient designs, systems, equipment, and controls that are life-cycle cost effective.	Y	Y	According to OASAM, Job Corps large capital energy investments are require (via contract) energy efficient designs, systems, equipment, controls and cost-effectiveness. Decisions are reviewed at multiple levels to ensure that applicable requirements are met.
NECPA Sec 8254(b) (1)	Other Req. 16	The design of new federal buildings, and the application of energy conservation measures to existing federal buildings, shall be made using life cycle cost methods and procedures established by the Secretary of Energy.	Y	Y	<p>According to OASAM, the DOL SSPP is developed, implemented and annually updated so as to prioritize agency actions based on lifecycle return on investment. The DOE/FEMP GHG inventory calculated for FY 2013 that department-wide \$1.6M investment in energy management is expected to have a simple return on investment of 8 years.</p> <p>In addition, DOL's new design and major renovations meet the Guiding Principles and the federal energy efficiency design requirements related to the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) 90.1-2007 standard.</p>
NECPA Sec 8262e (a)	Other Req. 17	Each agency shall implement guidelines (developed by the Director of OMB to assess accurate energy consumption for all buildings or facilities which the agency owns, operates, manages or leases, where the Government pays utilities separate from the lease and the Government operates the leased space) no later than 120 days after their establishment.	Y	Y	OMB has agencies assess energy consumption and report it in the DOE/FEMP GHG emissions report. Energy consumption for all EISA 2007 covered facilities are also reported by DOE to OMB.

Attachment 7

Department Compliance with Environmental Laws and Regulations for Electronic Stewardship

Summary:

Six of six requirements addressed, six of six requirements met.

Department Compliance with Environmental Laws and Regulations for Electronic Stewardship					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 2.h.ii	Req. 1	Ensure that the agency enables the Energy Star feature on agency computers and monitors.	Y	Y	DOL had consistent green scores in the SSPP for Electronic Stewardship and Data Centers, which addresses EPEAT and power management on agency computers and monitors.
EO 13423 Sec 2.h.iii	Req. 2	Ensure that the agency establishes and implements policies to extend the useful lifetime of electronic equipment.	Y	Y	The 2013 SSPP stated that extending the life of electronic equipment is among the department's goals for Electronic Stewardship. According to OASAM, DOL has implemented a program that takes electronic equipment that is being replaced by an agency and provides the equipment, if it is still usable, to other DOL agencies that need equipment. Additionally, DOL has issued policies for acquiring computers with low standby power and the use of power management.
EO 13423 Sec 2.h.iv	Req. 3	Ensure that the agency uses environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life.	Y	Y	The 2013 SSPP showed 100% compliance for DOL with end of life disposal of electronics.

Department Compliance with Environmental Laws and Regulations for Electronic Stewardship					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(i)(ii)	Req. 4	Establish and implement policies to enable power management, duplex printing, and other energy-efficient or environmentally preferable features on all eligible agency electronic products.	Y	Y	As of 12/31/12, DOL had "Enabled Power Management" 100% agency-wide.
EO 13514 Sec 2(i)(iii)	Req. 5	Employ environmentally sound practices on disposition of excess or surplus electronic products.	Y	Y	The 2013 SSPP showed 100% compliance for DOL with end of life disposal of electronics.
EO 13514 Sec 2(i)(iv)	Req. 6	Implement best management practices for energy-efficient management of servers and federal data centers.	Y	Y	DOL is implementing a Department-wide Data Center Consolidation program using the federal best practices that have been issued, which includes energy-efficient management of servers and federal data centers.

Attachment 8

Department Compliance with Environmental Laws and Regulations for Regional and Local Planning

Summary:

Five of five requirements addressed. Three of five requirements met and two could not be determined.

Department Compliance with Environmental Laws and Regulations for Regional and Local Planning					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(f)(i)	Req. 1	Participate in regional transportation planning and recognize existing community transportation infrastructure.	Y	Could Not Determine	The 2013 SSPP stated that Jobs Corps is incorporating this participation in its regional and local planning, but provided no specifics or examples of this activity.
EO 13514 Sec 2(f)(ii)	Req. 2	Align federal policies to increase the effectiveness of local planning for energy choices such as locally-generated renewable energy.	Y	Y	DOL staff participates in Federal interagency climate change planning workgroups that consider local planning issues. The 2013 SSPP noted that Job Corps is aligning its policies to increase the effectiveness of local energy planning by developing renewable energy generation on Job Corps appropriate sites. Job Corps produces renewable energy with wind turbines at Pine Ridge, Angell, Cassadaga, and Hawaii/Maui; solar photovoltaic production at Westover, Edison, and Woodland; and solar hot water at Miami. Loring and Albuquerque produce domestic hot water using biomass.
EO 13514 Sec 2(f)(iii)	Req. 3	Ensure that planning for new federal facilities and leases consider sites that are pedestrian friendly, near existing employment centers, and accessible to public transport; and emphasize existing central cities and, in rural communities, existing or planned town centers.	Y	Y	According to OASAM, DOL only has authority to lease space directly for Job Corps. Job Corps indicated that it considers these requirements.

Department Compliance with Environmental Laws and Regulations for Regional and Local Planning					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 2(f)(iv)	Req. 4	Identify and analyze impacts from energy usage and alternative energy sources in all environmental impact statements and environmental assessments for proposals covering new or expanded federal facilities under NEPA, as amended.	Y	Y	The 2013 SSPP noted that Job Corps is identifying and analyzing impacts related to this requirement. The DOL NEPA environmental impact assessments include this requirement.
EO 13514 Sec 2(f)(v)	Req. 5	Coordinate with regional programs for federal, state, tribal, and local ecosystem watershed, and environmental management.	Y	Could Not Determine	The 2013 SSPP noted that Job Corps will update its policies to ensure coordination with regional programs for federal, state, tribal and local ecosystem watershed, and environmental impact. However, no specifics are provided on what coordination is taking place with these entities, and the outcomes from any such coordination.

Attachment 9

Department Compliance with Environmental Laws and Regulations for Procurement and Contracts

Summary:

Two of two metrics addressed, two of two metrics met.

Seven of eight other requirements addressed and one could not be determined.

Department Compliance with Environmental Laws and Regulations for Procurement and Contracts					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 2.h.i	Metric 1	Ensure that the agency, when acquiring an electronic product to meet its requirements, meets at least 95 percent of those requirements with an EPEAT-registered electronic product, unless there is no EPEAT standard for such a product.	Y	Y	DOL reported in its 2013 SSPP that at least 95% of its monitors and PC/laptops purchased in FY 2012 were EPEAT compliant agency-wide.
EO 13514 Sec 2.h	Metric 2	Ensure that 95 percent of new contract actions including task and delivery orders, for products and services . . . are energy efficient (Energy Star or FEMP designated), water-efficient, bio based, environmentally preferable (e.g., EPEAT-certified), non-ozone depleting, contain recycled content, or are non-toxic or less toxic alternatives, where such products and services meet agency performance requirements.	Y	Y	The 2013 SSPP showed DOL had 100% of applicable contracts containing sustainable acquisition requirements.
EISA Sec 513	Other Req. N/A	Amends Section 801(a)(2) of NECPA – Not later than 18 months after the date of enactment of this subparagraph, each federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by subtitle B of title V of EISA.	N/A	N/A	DOL does not have any indefinite delivery/ quantity energy savings performance contracts or indefinite delivery/quantity contracts using private financing.

Department Compliance with Environmental Laws and Regulations for Procurement and Contracts					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EISA Sec 526	Other Req. N/A	No federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle GHG emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.	N/A	N/A	OASAM is not aware of any existing contracts for the procurement of an alternative or synthetic fuel.
EO 13423 Sec 2.d	Other Req. 1	Require that in agency acquisitions of goods and services the: (i) use of sustainable environmental practices, including acquisition of biobased, environmentally preferable, energy-efficient (Energy Star or FEMP designated products), water-efficient, and recycled-content products, and (ii) use of paper of at least 30 percent post-consumer fiber content.	Y	Y	The 2013 SSPP stated that DOL issued guidance to its contracting officers on the requirements to acquire products and services complying with environmental and sustainability standards, including bio-based, energy-efficient products, and products containing recycled content. It also stated that the Department requires the purchase of "green" paper and paper products.
EO 13423 Sec 3.e	Other Req. 2	Ensure that contracts entered into after the date of this order for contractor operation of government-owned facilities or vehicles require the contractor to comply with the provisions of this order with respect to such facilities or vehicles to the same extent as the agency would be required to comply if the agency operated the facilities or vehicles.	Y	Y	According to OASAM, DOL has Job Corps contractor-operated facilities and contractor-operated government fleets. The Job Corps operations contracts require contractors to comply with the sustainability requirements.

Department Compliance with Environmental Laws and Regulations for Procurement and Contracts					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 3.f	Other Req. 3	Ensure that agreements, permits, leases, licenses, or other legally-binding obligations between the agency and a tenant or concessionaire entered into after the date of this order require, to the extent the head of the agency determines appropriate, that the tenant or concessionaire take actions relating to matters within the scope of the contract that facilitate the agency's compliance with this order.	Y	Y	According to OASAM, new service agreements and leases include the sustainability requirements. In addition, the Job Corps operations contracts require contractors to comply with the sustainability requirements.
EPACT Sec 108	Other Req. 4	Amends Subtitle F of the Solid Waste Disposal Act - Not later than one year after the date of enactment of this section, the Administrator and each agency head shall take such actions as are necessary to implement fully all procurement requirements and incentives in effect as of the date of enactment of this section (including guidelines under section 6002) that provide for the use of cement and concrete incorporating recovered mineral component in cement or concrete projects. An agency head shall give priority to achieving greater use of recovered mineral component in cement or concrete projects for which recovered mineral components historically have not been used or have been used only minimally.	Y	Y	According to OASAM, Job Corps guidance requires a minimum level of recycled content for materials, including concrete and cement. DOL contracts include FAR 52.223-17 by reference, which requires Contractors to make maximum use of products containing recovered materials that are EPA-designated items including concrete and cement.
EPACT Sec 503(a)	Other Req. N/A	Amends Title XXVI of the Energy Policy Act of 1992 – A federal agency or department shall not pay more than the prevailing market price for an energy product or byproduct; or obtain less than prevailing market terms and conditions when purchasing electricity or any other energy product or byproduct from an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by one or more Indian tribes.	N/A	N/A	OASAM is not aware of any electricity purchases in which the majority of the interest in which is owned and controlled by one or more Indian tribes.

Department Compliance with Environmental Laws and Regulations for Procurement and Contracts					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8256(a) (1)	Other Req. 5	Each agency shall establish a program of incentives for conserving, and otherwise making more efficient use of, energy as a result of entering into contracts under subchapter VII of this chapter.	Y	Y	According to OASAM, agencies are authorized to enter into Energy Performance Savings (ESPC) Contracts for energy conservation projects at agency owned facilities. DOL reviews its facilities for potential ESPC projects for an adequate return on investment and potential risk attributes and reports its progress on a monthly basis to the CEQ and OMB. In FY 2013, DOL pursued a potential ESPC project at the Francis Perkins Building pursuant to its delegated authority for the building but the ESPC project was not approved by GSA. DOL has implemented ESPC projects at Job Corps.
NECPA Sec 8259b (b)(3)	Other Req. 6	The head of an agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, including guide specifications, project specifications, and construction, renovation, and services contracts that include provision of energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.	Y	Y	The DOL SSPP noted that DOL has issued guidance to its contracting officers requiring the acquisition of products and services complying with environmental and sustainability standards, including, but not limited to Energy Star and EPEAT products, thus providing a minimum criteria for rating procurements.

Department Compliance with Environmental Laws and Regulations for Procurement and Contracts					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8259b (d)(1)	Other Req. 7	In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary of Energy not later than 120 days after August 8, 2005.	Could Not Determine	Could Not Determine	No information provided.
NECPA Sec 8262k (a) & (b)	Other Req. 8	Each agency, in consultation with the Federal Acquisition Regulatory Council, shall establish criteria for the improvement of energy efficiency in federal facilities operated by Federal Government contractors or subcontractors. The criteria shall be used to encourage federal contractors, and their subcontractors, which manage and operate federally-owned facilities, to adopt and utilize energy conservation measures designed to reduce energy costs in Government-owned and contractor-operated facilities and which are ultimately borne by the Federal Government.	Y	Y	According to OASAM, the Federal Acquisition Regulatory Council issued Federal Acquisition Regulations, Subpart 23.2, Energy and Water Efficiency and Renewable Energy, which DOL contracting staff are required to add to DOL contracts when appropriate.

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Attachment 10

Department Compliance with Environmental Laws and Regulations for Reporting

Summary:

27 of 29 requirements addressed and 1 could not be determined. 27 of 29 requirements met and 1 could not be determined.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EISA Sec 527	Req. 1	Each federal agency subject to any of the requirements of this title or the amendments made by this title (i.e., Section 5xx) shall compile and submit to the Director of OMB an annual Government efficiency status report on: (1) compliance by the agency with each of the requirements of this title and the amendments made by this title; (2) the status of the implementation by the agency of initiatives to improve energy efficiency, reduce energy costs, and reduce emissions of greenhouse gases; and (3) savings to the taxpayers of the United States resulting from mandated improvements under this title and the amendments made by this title.	Y	Y	According to OASAM, these requirements are addressed in a large number of submissions in databases and reports that are rolled up and accessed by OMB/CEQ and DOE. For example, the DOE/FEMP GHG inventory and EISA 432 reporting submissions by DOL provide the cost savings for energy efficiency measures and the Department's annual Strategic Sustainability Performance Plan provides the status of the implementation by the agency of initiatives to improve energy efficiency, reduce energy costs, and reduce emissions of greenhouse gases.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 3.b	Req. 2	Implement environmental management systems (EMS) at all appropriate organizational levels to ensure: (i) use of EMS as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions; (ii) establishment of agency objectives and targets to ensure implementation of this order; and (iii) collection, analysis, and reporting of information to measure performance in the implementation of this order.	Y	Y	According to OASAM, DOL uses the SSPP as the organizing structure for its Departmental EMS. The SSPP includes the Secretary's sustainability policy statement and commitment to sustainability; sets the Department's goals, objectives and targets; and outlines the strategies, plans, and actions for achieving goals and targets. Specific procedures and work instructions are issued, as needed, to implement the plans. In addition, as noted in the 2013 SSPP, Job Corps utilizes an agency-specific EMS to "coordinate dissemination of the Job Corps elements of the Sustainability Plan to all Job Corps Centers." Monitoring and reporting on achievement of SSPP goals are provided semi-annually via OMB's Green Scorecard and annually when the SSPP is updated.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 3.c	Req. 3	Establish programs for: (i) environmental management training; (ii) environmental compliance review and audit; and (iii) leadership awards to recognize outstanding environmental, energy, or transportation management performance in the agency.	Y	Y	<p>According to OASAM, DOL provides training on sustainability requirements as needed to meet the goals set by the Department. Agency sustainability requirements compliance reviews are conducted at least semi-annually in anticipation of the OMB Scorecard and SSPP reporting.</p> <p>DOL issues a "Greening of The Workplace Award," in recognition of individuals who have made significant contributions in the conservation and efficient use of energy, fuel, and water; and/or the use of sustainable energy sources.</p> <p>Job Corps campuses that meet DOL sustainability requirements and the Guiding Principles are designated as an "Environmental Center of Excellence." The Laredo Job Corps Center was awarded the "Community Green Award," established to recognize specific advancements in industry, building, media, organizations, and public policy.</p>

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13423 Sec 3.d	Req. 4	Within 30 days of this order: (i) designate a senior civilian officer of the United States, compensated annually in an amount at or above the amount payable at level IV of the Executive Schedule, to be responsible for implementation of this order within the agency; (ii) report such designation to the Director of OMB and the Chairman of the CEQ; and (iii) assign the designated official the authority and duty to (A) monitor and report to the head of the agency on agency activities to carry out subsections (a) and (b) of this section, and (B) perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate.	Y	Y	The Deputy Assistant Secretary for Administration and Management was named the DOL SSO in November 2009. The SSO performs all of the duties required by the relevant EOs and statutes including, but not limited to, submitting the SSPP annually and Green Scorecards semi-annually to OMB and CEQ.
EO 13423 Sec 3.g	Req. 5	Provide reports on agency implementation of this order to the Chairman of the Council on such schedule and in such format as the Chairman of the Council may require.	Y	Y	DOL submits the SSPP annually and Green Scorecards semi-annually to OMB and CEQ.
EO 13514 Sec 2(j)(ii)	Req. 6	Ensure formal environmental management systems are appropriately implemented and maintained to achieve the performance necessary to meet the goals of EO 13514.	Y	Y	According to OASAM, DOL uses its SSPP as the organizing structure for its Departmental EMS. In addition, as noted in the 2013 SSPP, Job Corps utilizes an agency-specific EMS to “coordinate dissemination of the Job Corps elements of the Sustainability Plan to all Job Corps Centers.” Monitoring and reporting on achievement of SSPP goals are provided semi-annually via the OMB Scorecard and annually when the SSPP is updated. As a result, DOL is showing annual progress on meeting its sustainability goals.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 7(a)	Req. 7	Designate a senior management official (within 30 days) to serve as Senior Sustainability Officer accountable for agency conformance, and report designation to the CEQ Chair and OMB Director.	Y	Y	As indicated in the SSPP, the DOL SSO is the Deputy Assistant Secretary for Administration and Management. The SSO performs all of the duties required by the relevant EOs and statutes including, but not limited to, submitting the SSPP annually and Green Scorecards semi-annually to OMB and CEQ.
EO 13514 Sec 8	Req. 8	Develop, implement, and annually update an integrated Strategic Sustainability Performance Plan that will prioritize agency actions based on lifecycle return on investment.	Y	Y	The 2013 SSPP template is issued annually by OMB/CEQ and the Department's Plan is developed, implemented and annually updated so as to prioritize agency actions based on lifecycle return on investment. For example, energy efficiency measure identified in the EISA Sec. 432 audits are implemented by way of the SSPP, and cost savings are reported in the DOE/FEMP GHG inventory. As calculated in the DOE/FEMP GHG inventory for FY 2013, DOL's \$1.6M investment in energy management is expected save \$200,000 annually.
EO 13514 Sec 8(a)	Req. 9	Each agency plan shall include a policy statement committing the agency to compliance with environmental and energy statutes, regulations, and EOs.	Y	Y	The 2013 SSPP included a policy statement committing the agency to compliance with environmental and energy statutes, regulations, and EOs.
EO 13514 Sec 8(b)	Req. 10	Each agency plan shall achieve the sustainability goals and targets, including GHG reduction targets, established under section 2 of this order.	Y	Y	The 2013 SSPP addressed sustainability goals and targets, including GHG reduction targets.
EO 13514 Sec 8(c)	Req. 11	Each agency plan shall be integrated into the agency's strategic planning and budget process, including the agency's strategic plan under section 3 of the Government Performance and Results Act of 1993, as amended (5 U.S.C. 306).	Y	Y	DOL's strategic planning and budget documents included supporting narratives on integrating energy, environmental, and sustainability measures from the SSPP.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 8(d)	Req. 12	Each agency plan shall identify agency activities, policies, plans, procedures, and practices that are relevant to the agency's implementation of this order, and where necessary, provide for development and implementation of new or revised policies, plans, procedures, and practices.	Y	Y	The 2013 SSPP represented a fundamental change in how the department identified agency activities, policies, plans, procedures, and practices that are relevant to the agency's implementation of EO 13514, and provided for development and implementation of new or revised policies, plans, procedures, and practices. In the Performance Review of the SSPP, and subsequently in multiple tables, these plans, procedures, and practices were provided for in multiple strategic areas, including specific targets and metrics to measure the strategies, along with relevant milestones.
EO 13514 Sec 8(e)	Req. 13	Each agency plan shall identify specific agency goals, a schedule, milestones, and approaches for achieving results, and quantifiable metrics for agency implementation of this order.	Y	Y	The 2013 SSPP provided specific agency goals, a schedule, milestones, and approaches for achieving results, Additionally, quantifiable metrics for agency implementation of EO 13514 were identified.
EO 13514 Sec 8(f)	Req. 14	Each agency plan shall take into consideration environmental measures as well as economic and social benefits and costs in evaluating projects and activities based on lifecycle return on investment.	Y	Y	According to OASAM, when DOL develops its annual SSPP, it considers environmental measures, as well as economic and social benefits and costs, in evaluating projects and activities based on lifecycle return on investment. The lifecycle return on investment for energy and water efficiency projects is performed under the EISA Sec. 432 audit process and improvement actions are included in the SSPP.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 8(g)	Req. 15	Each agency plan shall outline planned actions to provide information about agency progress and performance with respect to achieving the goals of this order on a publicly available Federal website.	Y	Y	The 2013 SSPP is publicly available at http://www.dol.gov/open/sustainability/ .
EO 13514 Sec 8(h)	Req. 16	Each agency plan shall incorporate actions for achieving progress on metrics identified by the OMB Director and the CEQ Chair.	Y	Y	The 2013 SSPP incorporated specific actions for achieving progress on metrics identified by the OMB Director and CEQ Chair.
EO 13514 Sec 8(i)	Req. 17	Each agency plan shall evaluate agency climate-change risks and vulnerabilities to manage the effects of climate change on the agency's operations and mission in both the short and long term.	Y	Y	The 2013 SSPP identified agency climate-change risks and vulnerabilities, and advanced strategies for incorporating climate change into the agency's operations and admissions. Additionally, DOL issued its 2012 Climate Adaption Plan as an Appendix to the 2012 SSPP.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EO 13514 Sec 8(j)	Req. 18	Each agency plan shall identify in annual updates opportunities for improvement and evaluation of past performance in order to extend or expand projects that have net lifecycle benefits, and reassess or discontinue under-performing projects	N	N	<p>According to OASAM, DOL uses the CEQ/OMB template and instructions for SSPP reporting and the FY 2012 and FY 2013 templates did not include a section specifically for evaluation and opportunities for improvement. However, EO 13514 still required DOL to identify in its annual updates opportunities for improvement and evaluation of past performance in order to extend or expand projects that have net lifecycle benefits, and reassess or discontinue under-performing projects.</p> <p>In our review of the 2013 SSPP, we did not find any instances where DOL identified opportunities for improvement or evaluated past performance in order to extend/expand projects with net lifecycle benefits, or reassess/discontinue under-performing projects.</p>

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EPACT Sec 109	Req. 19	Amends Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) – In the budget request of the federal agency for each FY and each report submitted by the federal agency under section 548(a) of the NECPA (42 U.S.C. 8258(a)), the head of each federal agency shall include: (i) a list of all new Federal buildings owned, operated, or controlled by the Federal agency; and (ii) a statement specifying whether the Federal buildings meet or exceed the revised standards established under this paragraph.	Could Not Determine	Could Not Determine	<p>According to OASAM, compliance with energy and GHG reduction reporting requirements has been consolidated by the DOE under their Federal Facility Consolidated Annual Reporting Requirements. The DOE/FEMP GHG inventory and energy management report submitted annually by DOL to DOE and OMB describes energy management activities in Federal facilities and operations and progress in implementing the requirements of NECPA, EPACT '05, EISA, E.O. 13423 and E.O 13514.</p> <p>However, OASAM did not provide us a copy of any report that included the required information. Based on the information provided by OASAM, we could not determine if DOL is reporting in accordance with this specific requirement.</p>

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
EPACT Sec 1528	Req. 20	Amends Section 9007 of the Solid Waste Disposal Act – Not later than 12 months after the date of enactment of the Underground Storage Tank Compliance Act, each federal agency that owns or operates one or more underground storage tanks, or that manages land on which one or more underground storage tanks are located, shall submit to the Administrator, the Committee on Energy and Commerce of the United States House of Representatives, and the Committee on the Environment and Public Works of the Senate a compliance strategy report that: (A) lists the location and owner of each underground storage tank described in this paragraph; (B) lists all tanks that are not in compliance with this subtitle that are owned or operated by the Federal agency; (C) specifies the date of the last inspection by a State or Federal inspector of each underground storage tank owned or operated by the agency; (D) lists each violation of this subtitle respecting any underground storage tank owned or operated by the agency; (E) describes the operator training that has been provided to the operator and other persons having primary daily on-site management responsibility for the operation and maintenance of underground storage tanks owned or operated by the agency; and (F) describes the actions that have been and will be taken to ensure compliance for each underground storage tank not in compliance with this subtitle.	Y	Y	DOL complied with this requirement via an August 10, 2006 memorandum. In addition, Job Corps tracks the size, contents, age, leak detection, corrosion protection, and overfill prevention of underground storage tanks in an in-house database. Job Corps also tracks whether or not a tank is federally regulated. Underground storage tanks are also evaluated every three years by a facility survey team.
NECPA Sec 8253(f) (2) (A & B)	Req. 21	Each Federal agency shall designate an energy manager responsible for implementing this subsection and reducing energy use at each covered facility (federal facilities that constitute at least 75 percent of facility energy use at each agency).	Y	Y	The CTS database showed that, as of March 11, 2014, there was a designated energy manager at 100% of DOL's "covered facilities."

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8253(f) (3) (A & B)	Req. 22	Effective beginning on the date that is 180 days after December 19, 2007 and annually thereafter, energy managers shall complete, for each calendar year, a comprehensive energy and water evaluation for approximately 25 percent of the covered facilities of each agency in a manner that ensures that an evaluation of each such facility is completed at least once every 4 years. As part of the evaluation, the energy manager shall identify and assess re-commissioning measures (or, if the facility has never been commissioned, retro-commissioning measures) for each such facility.	Y	Y	The CTS database showed that, as of March 11, 2014, DOL's covered facilities were 100% evaluated.
NECPA Sec 8253(f) (5)	Req. 23	For each measure implemented under paragraph (4), each energy manager shall ensure that (A) equipment, including building and equipment controls, is fully commissioned at acceptance to be operating at design specifications; (B) a plan for appropriate operations, maintenance, and repair of the equipment is in place at acceptance and is followed; (C) equipment and system performance is measured during its entire life to ensure proper operations, maintenance, and repair; and (D) energy and water savings are measured and verified.	Y	Y	All new DOL buildings and major renovations meet the Guiding Principles which require building and equipment controls to be fully commissioned at design specifications. Facilities have equipment preventative maintenance programs in place and equipment performance is periodically checked to maintain equipment and ensure proper operation. Energy and water savings are measured or estimated with DOE assistance and reported to DOE in the CTS database. DOL and DOE review the reporting to verify estimated savings.
NECPA Sec 8253(f) (7)(A)	Req. 24	For each covered facility, the energy manager shall use a web-based tracking system (developed and deployed by the Secretary of Energy) to certify compliance with the requirements for: (i) energy and water evaluations under paragraph (3); (ii) implementation of identified energy and water measures under paragraph (4); and (iii) follow-up on implemented measures under paragraph (5).	Y	Y	DOL utilizes the web-based CTS database to track compliance with the given requirements.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8253(f) (8)(A)	Other Req. 25	The energy manager shall enter energy use data for each metered building that is (or is a part of) a covered facility into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.	Y	Y	The CTS database showed that, as of March 14, 2014, DOL benchmarked 29 of its 1,229 buildings at covered facilities. According to OASAM, there are only 29 buildings at its covered facilities that are separately metered for electricity and all 29 have been entered into EPA's Portfolio Manager.
NECPA Sec 8253(f) (8)(C)	Req. 26	Each energy manager shall post the information entered into, or generated by, a benchmarking system under this subsection, on the web-based tracking system under paragraph (7)(B). The energy manager shall update such information each year, and shall include in such reporting previous years' information to allow changes in building performance to be tracked over time.	Y	Y	DOL utilizes the web-based CTS database to track compliance with the given requirements.
NECPA Sec 8253 (f2)(2) (A & B)	Req. 27	Not later than 180 days after December 19, 2007, each federal agency shall develop a process for reviewing each decision made on a large capital energy investment described in paragraph (1) to ensure that the requirements of this subsection are met; and reported to the Director of OMB on the process established.	Y	Y	Job Corps large capital energy investments must, by contract, require energy efficient designs, systems, equipment, controls and cost-effectiveness. Decisions are reviewed at multiple levels to ensure that applicable requirements are met.

Department Compliance with Environmental Laws and Regulations for Reporting					
Source	Code	Requirement	Addressing Requirement	Meeting Requirement	Notes
NECPA Sec 8258(a)	Req. 28	Each agency shall transmit a report to the Secretary of Energy, at times specified by the Secretary but at least annually, with complete information on its activities under this part, including information on: (1) the agency's progress in achieving the goals established by section 8253 of this title; and (2) the procedures being used by the agency to implement an incentive program for conserving, and otherwise making more efficient use of, energy as a result of entering into contracts under subchapter VII of this chapter (pursuant to section 8256(a)(2) of this title), the number of contracts entered into by such agency under subchapter VII of this chapter, the energy and cost savings that have resulted from such contracts and any termination penalty exposure, the use of such cost savings in utility incentive programs (under section 8256(c) of this title), and any problem encountered in entering into such contracts and otherwise implementing section 8256 of this title.	Y	Y	<p>According to OASAM, compliance with energy and GHG reduction reporting requirements has been consolidated by DOE under their Federal Facility Consolidated Annual Reporting Requirements.</p> <p>The DOE/FEMP GHG inventory and energy management report submitted annually by DOL to DOE and OMB includes information on DOL's progress in achieving the goals of NECPA Section 8253 as well as information on DOL's use of performance contracts.</p>
NECPA Sec 8262e (a)	Req. 29	Each facility energy manager shall maintain energy consumption and energy cost records for review by the Inspector General, the Congress, and the general public.	Y	Y	<p>According to OASAM, the CTS database and DOE/FEMP GHG inventory reports through the Federal Facility Consolidated Annual Reporting Requirements include reporting of energy consumption and energy cost records that can be reviewed by the Inspector General, the Congress, and the general public.</p> <p>Additionally, DOL facility managers maintain records of monthly energy consumption and cost records for the facility for which they are responsible.</p>

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Agency Response to Draft Report

U.S. Department of Labor

Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210

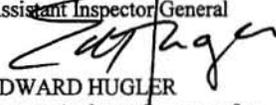


SEP 19 2014

MEMORANDUM FOR ELLIOT P. LEWIS

Assistant Inspector General

FROM:


EDWARD HUGLER
Deputy Assistant Secretary for
Administration and Management

SUBJECT:

Department of Labor Climate Change Review

This responds to your draft memorandum (attached), received by the Office of Administration and Management on September 3, 2014. We appreciate the Inspector General's recognition that the Department of Labor ("DOL" or "Department") is in substantial compliance with Federal environmental and energy performance requirements which underlie Federal requirements for agencies to address climate change, a review requested by the United States Congress Bicameral Task Force on Climate Change.

As acknowledged in your September 3 draft memorandum, the analysis and recommendations are based on a review conducted between April 2013 and March 2014 under the Quality Standards for Inspection and Evaluation issued January 2012 by the Council of the Inspectors General on Integrity and Efficiency (Standards). We appreciate that you also acknowledge the context of the Department's compliance, including that DOL is responsible for reporting energy and sustainability performance for the Department of Labor, including Job Corps Centers (which comprise more than 2,400 aging buildings located on 125 Centers throughout the country), the Frances Perkins Building in Washington, DC, and more than 4,000 leased vehicles. Further, we appreciate the acknowledgement that the Department's environmental policy is reviewed and reissued annually by the Secretary of Labor in the DOL Strategic Sustainability Performance Plan (SSPP) pursuant to detailed template instructions from the Office of Management and Budget (OMB) and Council on Environmental Quality (CEQ) and updates the SSPP annually as dictated by OMB and CEQ to show the top priority initiatives and actions selected for improving sustainability during the succeeding fiscal year. We also appreciate the OIG spending considerable time with us delving into the complicated web of decades of myriad environmental and energy statutes, regulations and executive orders to determine relevant requirements. In addition, we acknowledge OIG's significant efforts to understand the methods of reporting energy and environmental data to the public through the appropriate Federal agencies including but not limited to, the Department of Energy, Environmental Protection Agency and General Services Administration.

Except as noted below, we accept the analysis and recommendations in your September 3 draft memorandum. There are, however, a few important points of clarification that need to be made.

OIG notes that DOL complies with the CEQ/OMB requirement to use their template and instructions to complete the SSPP but finds no instances “where DOL identified opportunities for improvement or evaluated past performance in order to extend/expand projects with net lifecycle benefits, or reassess/discontinue under-performing projects” on the 2013 SSPP. The OIG counted this as non-compliant for both addressing and meeting the requirement. We note that the OMB/CEQ SSPP template for 2013 asked Federal agencies to describe in the executive summary: “SUCSESSES for programs and initiatives that are ahead of schedule and achieving goals in an expedient or innovative manner, CHALLENGES that preclude or impair goal achievement, LESSONS LEARNED about process and/or plans used to pursue goals, and PLANNED ACTIONS to maintain or improve progress, address setbacks, or correct deficiencies (This section is forward looking and should closely align with the strategies described in the goal strategies tables 1 through 9.)” DOL notes that we complied with this requirement in the executive summary as requested by OMB/CEQ.

OIG states that it could not assess DOL’s compliance with “pollution and waste reduction” waste diversion metrics; however, these metrics are not in effect until the end of FY 2015. This fact is relevant because on page 35 of its draft report the OIG says that it cannot determine if DOL is meeting Metrics 1 and 2 for waste diversion and this determination is counted against DOL in the OIG’s compliance scoring sections as not meeting the requirement.

Finally, DOL notes that OIG does not mention Executive Order 13653, Preparing the United States for the Impacts of Climate Change (November 1, 2013) and indicates that the requirements identified were from its review and “discussions with Departmental officials.” In conversations with OIG, the issuance of the new climate change E.O. was communicated to the OIG.

Thank you again for your memorandum and the very positive assessment of the Department’s work on and compliance with the important energy and environmental laws, regulations, executive orders addressing climate change.

Attachment

cc: T. Michael Kerr, Assistant Secretary for Administration and Management
Charlotte Hayes, Deputy Assistant Secretary for Policy